

IN RE: PETITION FOR ADMIN. VARIANCE  
SE/Corner Padonia Road and  
Hartfell Road  
(135 E. Padonia Road)  
8th Election District  
3rd Councilmanic District  
  
Salvatore M. Zumbo, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-28-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 135 East Padonia Road, located in the vicinity of Eastridge Road in Timonium. The Petition was filed by the owners of the property, Salvatore M. and Catherine S. Zumbo, through the administrative variance process. However, at the request of the adjacent property owner, James J. Knapick, the matter was scheduled for a public hearing to determine the appropriateness of the relief requested. Specifically, the Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Salvatore and Catherine Zumbo, legal owners of the property, and Oscar M. Keys, Jr. and Jean C. Alimo, adjoining neighbors. Appearing as a Protes-

tant in the matter was James Knapick, who requested the public hearing.  
  
Testimony and evidence offered revealed that the subject property consists of 0.24 acres, more or less, zoned D.R. 3.5 and is improved with

ORDER RECEIVED FOR FILING

Date

By

10/3/96

JEP

a single family dwelling and one car garage. Testimony revealed that the Petitioners have resided on the property for the past nine years and are desirous of converting the existing garage to create a small office and additional living space for their family. In conjunction with those improvements, the Petitioners propose constructing a new garage, 24' x 28' in dimension, onto the southeast (rear) corner of the existing dwelling as shown on Petitioner's Exhibit 1. As can be seen from the site plan, the proposed garage will be located on the southeast corner of the dwelling, 14 feet from the rear property line, and be accessed from Hartfell Road. Due to the layout of the dwelling and its location on a corner lot, the relief requested is necessary in order to proceed as proposed.

As noted above, Oscar Keys and Jean Alimo appeared on behalf of the Petitioners. Mr. Keys is a registered Professional Engineer who has resided in this community for the past 29 years. Mr. Keys testified that he has reviewed the plans for the proposed garage addition and in his opinion, the proposed garage is in character and keeping with the surrounding community and will not be situated any closer to Mr. Knapick's home than other homes in this community are situated to one another. That is, he believes the distance between the proposed garage and Mr. Knapick's home will be consistent with the distances between other homes in this community. He also testified that other homeowners in the Springdale and Coachford communities have constructed garage additions to their homes and that the proposed garage will not be inconsistent with others in these communities.

Also testifying on behalf of the Petitioners was Jean Alimo, who resides immediately adjacent to the subject property at 133 E. Padonia Road. Ms. Alimo testified that like Mr. Knapick, she will also be able to

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Date 10/13/96  
By Jop

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OCT 14 1996

view the garage from her property. She feels that the proposed addition is in character and keeping with others in the community and she has no objection. She also believes that once built, there will be sufficient distance between the garage and Mr. Knapick's home.

As noted above, Mr. James Knapick appeared and testified in opposition to the relief requested. Mr. Knapick has resided on the adjacent property known as 2428 Hartfell Road for approximately the past 9 years. He is opposed to the proposed garage as it is depicted on Petitioner's Exhibit 1. He believes that the garage addition will be located too close to his home and will impose upon his family's quiet enjoyment of their property. He believes that the driveway and access to the proposed garage off of Hartfell Road adjacent to his property will cause additional noise from cars and their occupants coming and going. He testified that he is not aware of other additions such as this in his community and believes that the proposed garage is too close to his house. He further objects to and disagrees with the measurements made by Mr. Zumbo as to the proximity of the proposed garage addition to his property line and home.

The Petitioners submitted photographs of the subject property and a field inspection was performed by this Deputy Zoning Commissioner. After reviewing all of the testimony and evidence offered by the Petitioners, as well as the two neighbors who appeared on their behalf, and taking into consideration the testimony of Mr. Knapick, I am persuaded to grant the relief requested to allow the proposed garage addition in accordance with Petitioner's Exhibit 1. The Petitioners' property is unique in that it is a corner lot and the house is situated on the property at an angle as opposed to being constructed parallel with Padonia Road. Furthermore, after construction of the garage addition, the distance between the pro-

circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3<sup>rd</sup> day of October, 1996 that the Petition for Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 208.4, R-10 of the Zoning Commissioner's Policy Manual) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the Zoning Plans Advisory Committee comment submitted by Robert W. Bowling, Chief of the Development Plans Review Division of the Department of Permits & Development Management (DPDM) dated August 9, 1996, a copy of which has been attached hereto and made a part hereof.


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Date

By



3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 11/3/96  
By [Signature]

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	
<u>SALVATORE M. ZUMBO, ET UX</u>	*	COUNTY BOARD OF APPEALS
FOR AN ADMINISTRATIVE VARIANCE	*	
ON PROPERTY LOCATED ON THE	*	OF
SOUTHEAST CORNER PADONIA ROAD	*	
AND HARTFELL ROAD	*	BALTIMORE COUNTY
(135 E. PADONIA ROAD)	*	
8TH ELECTION DISTRICT	*	CASE NO. 97-28-A
3RD COUNCILMANIC DISTRICT	*	
* * * *	*	* * * *

O P I N I O N

Katherine and James Knapick filed a timely appeal from the Deputy Zoning Commissioner's decision, dated October 3, 1996, granting a variance from Section 1B02.3B of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition. Such a request for variance had been submitted by Mr. and Mrs. Salvatore Zumbo, the owners of the subject property at 135 E. Padonia Road in the Coachford community, Timonium.

The Appellants /Protestants were represented by counsel, Michael P. Tanczyn. The Petitioners, Mr. and Mrs. Zumbo, represented themselves.

Testimony and evidence offered indicate that the subject property consists of .24 acre, more or less, zoned D.R. 3.5, improved with a single-family dwelling and attached one-car garage. The Petitioners have owned and lived at 135 E. Padonia Road for more than 9 years.

Salvatore Zumbo testified as Petitioner that he and his family need additional living space and therefore wish to convert the existing garage for that use and to build an attached two-car

garage, 24 feet by 28 feet, for their cars and storage. Mr. Zumbo further stated that currently the existing garage must be used for storage because their house has no basement. He and his wife have two children, and they had considered selling the property at 135 E. Padonia Road, but they like the location which is close to his job as a professor at Towson University, and close to the children's schools. Therefore, they settled on a plan to convert the existing garage into an office /den, and build a new garage attached to the southeast corner of the house.

Mr. Zumbo further testified that he spoke with contractors and relatives in the construction business and determined that the only logical place for such an attached garage was the southeast corner, 28 feet toward the Appellants' property and 24 feet from Hartfell Road. The proposed driveway would be constructed next to the Knapick's house off Hartfell Road instead of Padonia Road as now exists.

Mr. Zumbo indicated that his property is unique because it is a corner lot, with the house set at an angle, not parallel, to Padonia Road. He also contended that additions such as he proposed are the "norm" in the Coachford development. As evidence, he submitted a series of photographs showing other additions in the neighborhood.

Further, Mr. Zumbo testified that, if the variance relief requested were not granted, he and his family would be deprived of the use of most of their property because they are boxed in by the fact that there is no other place to build the needed garage. This

fact, he said, poses practical difficulty and unreasonable hardship on the Zumbos as property owners in Baltimore County.

On cross-examination by attorney for the Appellants, Mr. Tanczyn, Mr. Zumbo stated that the house at 135 E. Padonia Road has had no additions previously and is the same as when he purchased it. He also indicated that it is a three-bedroom house; that he and his wife have two children; and that they had two children when they purchased the property.

Mr. Tanczyn also asked if the proposed addition could be placed next to the existing garage, therefore negating the need for a variance. He then added that no one at Baltimore County had told him that, but that a contractor had said that it would be "complicated" to place the addition there. He also replied in answer to Mr. Tanczyn's questions that the house currently has a family room with a door to an outside patio and a fireplace, but that he needed an additional area to do quiet research with space for the computer. Also, the family needed a place to park two cars, plus additional space for storage.

Oscar Keyes testified on his own behalf as a resident of the same community. Mr. Keyes indicated that he is a registered civil engineer who was, before his retirement, employed as a design engineer, as well as assistant director, in the Department of Public Works, all with Baltimore County. Mr. Keyes said that he had testified before the County Board of Appeals and the Circuit Court for Baltimore County as an expert witness in previous cases.

Mr. Keyes said that he had examined the drawings presented by

Mr. Zumbo and made measurements of the subject property himself, as well as examining the 1963 record plat of Coachford. It is Mr. Keyes' opinion as a resident of the area for 29 years that the garage proposal made by the Zumbos is more desirable than what they are permitted to build by right. On questioning by Mr. Tanczyn, Mr. Keyes testified that he is not familiar with the legal standard for variances set forth in Cromwell v. Ward, 102 Md.App. 691 (1995).

Upon completion of Mr. and Mrs. Zumbo's case-in-chief, Mr. Tanczyn, on behalf of the Appellants, moved that the request for variance be denied because the Petitioners had not met the burden of proof as required. Mr. Tanczyn argued that the Petitioners had not shown their property to be any different than any other corner lot in the Coachford development, and by their own evidence had shown several other corner properties with similar characteristics. Furthermore, there is no practical difficulty or unreasonable hardship imposed on the Zumbos by denying the variance inasmuch as they can continue to use the property as it exists and as they purchased it, and they have alternative sites to build a two-car garage if they deem it imperative to have one.

Mr. Zumbo replied that his proposal will not hurt anyone else, including the Knapicks, and that said proposal falls within the spirit and intent of the BCZR.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions, which, in pertinent part in this case, allow a variance where special circumstances or conditions

exist that are peculiar to the land which is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in Cromwell v. Ward, which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case de novo, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered. The Board finds that the subject property at 135 E. Padonia Road is not unique from other properties in the area. There are numerous corner lots within the Coachford community, and the houses on those lots are often placed at an angle.

Although it is not strictly necessary for the Board to consider the request further since the above determination was made, the Board further finds that there is no practical difficulty or unreasonable hardship imposed on the Zumbos through the denial of the variance. Practical difficulty or unreasonable hardship is the second prong for granting of a variance. The Petitioners are not constrained from using their single-family residence as designed, and already enjoy full use of their property. Further, alternatives exist for additions desired beyond the current petition requiring a variance.

For these reasons, the Petition for Variance from Section 1B02.3B of the Baltimore County Zoning Regulations to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition shall be denied.


O R D E R

THEREFORE, IT IS THIS 12th day of June, 1997 by the County Board of Appeals of Baltimore County

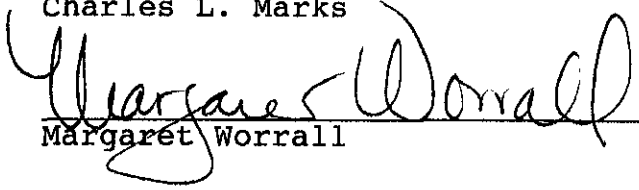
ORDERED that Petitioner's request for variance from Section 1B02.3B of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition be and the same is DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Robert O. Schuetz, Chairman

  
Charles L. Marks

  
Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

June 12, 1997

Michael P. Tanczyn, Esquire  
606 Baltimore Avenue  
Suite 106  
Towson, MD 21204

RE: Case No. 97-28-A  
Salvatore M. Zumbo, et ux

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Radcliffe for*  
Kathleen C. Bianco  
Administrator

Enclosure

cc: Mr. and Mrs. James Knapick  
Mr. and Mrs. Salvatore Zumbo  
People's Counsel for Baltimore County  
Pat Keller /Planning Director  
Lawrence E. Schmidt, Zoning Commissioner  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: August 9, 1996

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for August 12, 1996  
Item No. 029

The Development Plans Review Division has reviewed the subject zoning item. The center line of an existing 10-foot wide utility easement runs down the property line between house #135 E. Padonia Road and 2428 Hartfell Road. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

The variance for a 14-foot rear yard setback is acceptable to this department.

Also, prior to removal of any existing curb for driveway entrances, the owner shall obtain a permit from the Department of Permits & Development Management.

The proposed driveway entrance shall be built per the Department of Public Works' Std. Plat R-15A.

RWB:HJO:jrb

cc: File

ZONE21A

ORDER RECEIVED FOR FILING  
Date 10/3/96  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 3, 1996

Mr. & Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
SE/Corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)  
8th Election District - 3rd Councilmanic District  
Salvatore M. Zumbo, et ux - Petitioners  
Case No. 97-28-A

Dear Mr. & Mrs. Zumbo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. James Knapick  
2428 Hartfell Road, Timonium, Md. 21093

People's Counsel

File



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at \*

97-28-A

135 E. PADONIA RD

which is presently zoned OR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1302.3.B. (208.4, R.10) to permit a 14 ft. rear yard in lieu of 30 ft.  
and a 34 ft side street setback in lieu of 35 ft.

x of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. IRREGULAR SHAPE OF LOT - CORNER LOT.
2. ONLY FEASIBLE POSITION FOR GARAGE (BASED ON FLOORPLAN).
3. NO BASEMENT. NEED MORE SQUARE FOOTAGE FOR DWELLING
4. DID NOT WANT TO POSITION GARAGE NEAR STREET R/W.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

x SALVATORE M. ZUMBO  
(Type or Print Name)

x Salvatore M. Zumbo  
Signature

Catherine S. Zumbo  
(Type or Print Name)

Catherine S. Zumbo  
Signature

x 135 E. PADONIA RD. (H) 560-3148 (W) 830-2881  
Address Phone No

x TIMONIUM MD 21093  
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

) Zoning Commissioner of Baltimore County

REVIEWED BY: 796

DATE: 7/23/95

ESTIMATED POSTING DATE: 8/4/96



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 29

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 135 E. PADONIA RD  
address

TIMONIMUM MD 21093  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

SEE OTHER SIDE

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Catherine J Zumbo  
(signature)  
Catherine J Zumbo  
(type or print name)



Salvatore M Zumbo  
(signature)  
SALVATORE M. ZUMBO  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of July, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Salvatore and Catherine Zumbo

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

July 19, 1996  
date

Michael G. [Signature]  
NOTARY PUBLIC

My Commission Expires:

APRIL 1997  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires [Signature]



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 135 E. PADONIA RD  
which is presently zoned DR 3.5

97-28-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3.B (208.4, R.10) to permit a 14 ft rear yard in lieu of 30 ft.  
and a 34 ft side street setback in lieu of 35 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

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3. NO BASEMENT. NEED MORE SQUARE FOOTAGE FOR DWELLING.
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Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

Legal Owner(s)

(Type or Print Name)

SALVATORE M. ZUMBO  
(Type or Print Name)

Signature

Salvatore M. Zumbo  
Signature

Address

Catherine S. Zumbo  
(Type or Print Name)

City State Zipcode

Catherine S. Zumbo  
Signature

Attorney for Petitioner:

135 E. PADONIA RD (H) 510-3148 (W) 830-2881  
Address Phone No.

(Type or Print Name)

TIMONIUM MD 21093  
City State Zipcode

Signature

Name, Address and phone number of representative to be contacted.

Address Phone No.

Name

City State Zipcode

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
Date 10/3/96  
By [Signature]

REVIEWED BY: ML DATE: 7/23/96  
ESTIMATED POSTING DATE: 8/4/96



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ITEM #: 29

97-28-A

Beginning on the south side of East Padonin Road,  
60 feet wide, at the distance of 30 feet west of the  
centerline of Hartfell Road. Being Lot 21 of Section  
One of the Coachtford subdivision, Plat Book 29,  
folio 99. Also known as 135 East Padonin Road  
containing .24 acres in the 8<sup>th</sup> Election District.

# 29

Former Closing Date: 8/19/96

CASE NUMBER: 97-28-A (Item 29)

135 E. Padonia Road

corner S/S of E. Padonia Road and W/S Hartfell Road

8th Election District - 3rd Councilmanic

Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Post by: 9/17/96

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

97-08-H

District: 828

Posted for: Vorlovic

Date of Posting: 8/2/94

Petitioner: Solleboro & Catherine Zamboni

Location of property: 135 E. Redwing Rd.

Location of Sign: Facing road on property being zoned

Remarks:

Posted by: M. Kelly

Signature

Date of return: 8/19/94

Number of Signs: 1



9



# CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/29, 1996.

THE JEFFERSONIAN,  
*A. H. Erickson*  
 LEGAL AD. - TOWSON

**NOTICE OF HEARING**  
 The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, as follows:  
 Case #97-28-A  
 Item 29  
 1351 E. Padonia Road corner SS of E. Padonia Road and WS Harford Road 8th Election District 3rd Councilmanic District  
 Salvatore M. Zumbo and Catherine S. Zumbo  
 Petitioners to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.  
 Hearing: Wednesday, September 25, 1996, at 9:00 a.m. in Rm. 118, Old Courthouse.  
 LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County  
 NOTES: (1) Hearings are handicapped accessible, for special accommodations please call 867-3353.  
 (2) For information concerning the file and/or hearing, please call 867-3353.  
 1996 August 23 C7816



Baltimore County  
Department of Permits and  
Development Management

# 29  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

97-28-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 29 Petitioner: Salvatore M. Zumbo

Location: 135 E. Padonia Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Salvatore M. Zumbo

ADDRESS: 135 E. Padonia Road

Towson, MD 21093

PHONE NUMBER: 560-3148

# CERTIFICATE OF POSTING

RE: Case No.: 97-28 A

Petitioner/Developer: \_\_\_\_\_

Date of Hearing/Closing: \_\_\_\_\_

Baltimore County ~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
Towson, MD 21204

## BOARD OF APPEALS

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 135 E. Parlania Rd

The sign(s) were posted on \_\_\_\_\_

12/20/96  
(Month, Day, Year)

Sincerely,

  
(Signature of Sign Poster and Date)

Gary M Bennett #7282

(Printed Name)

Code Inspector  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

1-17-97  
T/C FROM Mr. Zumbo  
SIGN BROKE OFF DUE TO  
HEAVY WINDS  
LEFT VM MESSAGE TO  
INSPECTOR TO REPOST -  
OK  
2-7-97 "SIGN STILL  
NOT UP - per Mrs Zumbo."  
T/C TO G.B. (VM)

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No 029801

DATE 10/1/96 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: James Knappick

FOR: Appeal & Sign # 97-28-A

03A9180156MICHRD \$210.00  
BA 0011:51AM11-01-96

MICROFILMED

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 150277

DATE 5-16-96 ACCOUNT R-001-6150

AMOUNT \$ 40.00

RECEIVED FROM: J. Knappick

FOR: Review for App.

Case 97-28-A # 29

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 2, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before August 4, 1996. The closing date (August 19, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Salvatore and Catherine Zumbo

RECEIVED

# REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 97-28-A

Petitioner(s): S. Zumbo

Location: 135 E. PADONIA RD.

\*\*\*\*\*

I/WE, James J. Knapick  
Name(s) ----- (TYPE OR PRINT)

(☒) Legal Owners ( ) Residents, of

2428 Hartfell Rd.  
Address

Timonium, MD 21093-2555 252-7251  
City/State/Zip Code Phone

which is located approximately 14 feet from the  
property which is the subject of the above petition, do hereby formally  
request that a public hearing be set in this matter.

James J. Knapick 8/16/96  
Signature Date

\_\_\_\_\_  
Signature Date

TO: PUTUXENT PUBLISHING COMPANY  
September 5, 1996 Issue - Jeffersonian

Please forward billing to:

Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium MD 21093  
560-3181

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 27, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Salvatore and Catherine Zumbo  
James J. Knapick

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MINISTRIED





DIRECTOR

A handwritten signature in black ink, appearing to read "C. J. [unclear]", is written over the word "DIRECTOR".

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

BUILDINGS ENGINEER

A handwritten signature in black ink, appearing to read "John R. [unclear]", is written over the words "BUILDINGS ENGINEER".



**County Board of Appeals of Baltimore County**

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

March 17, 1997

**NOTICE OF ASSIGNMENT**

**CASE #: 97-28-A**

**IN THE MATTER OF: SALVATORE M. ZUMBO, ET UX  
SE/cor Padonia Road and Hartfell Road  
(135 E. Padonia Road) 8th E; 3rd C Districts**

**(Grant of Variance /rear yard setback and side  
street setback /for proposed garage addition)**

**ASSIGNED FOR: THURSDAY, MAY 1, 1997 at 1:00 p.m.**

**NOTICE: This appeal is an evidentiary hearing; therefore, parties should  
consider the advisability of retaining an attorney.**

**No postponements will be granted without sufficient reasons; said  
requests must be in writing and in compliance with Rule 2(b) of the  
Board's Rules. No postponements will be granted within 15 days of  
scheduled hearing date unless in full compliance with Rule 2(c). For  
further information, see Board's Rules of Practice & Procedure,  
Appendix C, Baltimore County Code.**

**Kathleen C. Bianco  
Legal Administrator**

**cc: Appellants /Protestants: Mr. and Mrs. James Knapick**

**Petitioners : Mr. and Mrs. Salvatore Zumbo**

**People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt**

**Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty**



Case No. 97-28-A

Salvatore M. Zumbo, et ux - Petitioners

SE/corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)

8th Election District

Appealed: 11/1/96

(see attached vicinity map)



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 12, 1996

Mr. and Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Item No.: 29  
Case No.: 97-28-A  
Petitioner: Salvatore Zumbo, et ux

Dear Mr. and Mrs. Zumbo:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 23, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading 'W. Carl Richards, Jr.', is written over a circular embossed seal. The seal appears to be the official seal of the Zoning Supervisor.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)



JOB TITLE: WHITEMARSH COMMERCE CENTER ROOF SYSTEM #5

PIPE DATA (cont'd)

PIPE TAG	END	ELEV.	NOZ.	PT	DISC.	Q(GPM)	DIA(IN)	LENGTH	PRESS.
NODES	(FT)	(K)	(PSI)	(GPM)	VEL(FPS)	HW(C)	(FT)	SUM.	
						F.L./FT		(PSI)	
Pipe: 66					216.0	4.260	PL 10.00	PF 0.1	
58	100.5	0.0	132.8	0.0	4.9	120	FTG ----	PE 0.0	
54	100.5	0.0	132.6	0.0		0.012	TL 10.00	PV 0.2	
Pipe: 67					-143.8	6.357	PL 10.00	PF 0.0	
59	100.5	0.0	146.5	0.0	1.5	120	FTG ----	PE 0.0	
55	100.5	0.0	146.5	0.0		0.001	TL 10.00	PV 0.0	
Pipe: 68					71.9	2.581	PL 1.50	PF 0.2	
59	100.5	0.0	146.5	0.0	4.4	120	FTG T	PE 0.6	
60	102.0	0.0	145.7	0.0		0.017	TL 13.50	PV 0.1	
Pipe: 69					71.9	2.154	PL 297.00	PF 13.2	
60	102.0	0.0	145.7	0.0	6.3	120	FTG 2T	PE 0.0	
61	102.0	0.0	132.4	0.0		0.042	TL 317.00	PV 0.3	
Pipe: 70					71.9	2.581	PL 1.50	PF 0.2	
61	102.0	0.0	132.4	0.0	4.4	120	FTG T	PE 0.6	
62	100.5	0.0	132.8	0.0		0.017	TL 13.50	PV 0.1	
Pipe: 71					143.8	4.260	PL 10.00	PF 0.1	
62	100.5	0.0	132.8	0.0	3.2	120	FTG ----	PE 0.0	
58	100.5	0.0	132.8	0.0		0.005	TL 10.00	PV 0.1	
Pipe: 72					-71.9	6.357	PL 10.00	PF 0.0	
63	100.5	0.0	146.5	0.0	0.7	120	FTG ----	PE 0.0	
59	100.5	0.0	146.5	0.0		0.000	TL 10.00	PV 0.0	
Pipe: 73					71.9	2.581	PL 1.50	PF 0.2	
63	100.5	0.0	146.5	0.0	4.4	120	FTG T	PE 0.6	
64	102.0	0.0	145.6	0.0		0.017	TL 13.50	PV 0.1	
Pipe: 74					71.9	2.154	PL 297.00	PF 13.2	
64	102.0	0.0	145.6	0.0	6.3	120	FTG 2T	PE 0.0	
65	102.0	0.0	132.4	0.0		0.042	TL 317.00	PV 0.3	
Pipe: 75					71.9	2.581	PL 1.50	PF 0.2	
65	102.0	0.0	132.4	0.0	4.4	120	FTG T	PE 0.6	
66	100.5	0.0	132.8	0.0		0.017	TL 13.50	PV 0.1	
Pipe: 76					71.9	4.260	PL 10.00	PF 0.0	
66	100.5	0.0	132.8	0.0	1.6	120	FTG ----	PE 0.0	
62	100.5	0.0	132.8	0.0		0.002	TL 10.00	PV 0.0	
Pipe: 77					-1461.2	6.357	PL 177.00	PF 11.7	
45	100.5	0.0	146.7	0.0	14.8	120	FTG 3E	PE 1.9	
TR	96.0	0.0	160.4	0.0		0.056	TL 207.00	PV 1.5	
Pipe: 78					-1461.2	8.249	PL 23.00	PF 0.4	
TR	96.0	0.0	160.4	0.0	8.8	120	FTG ----	PE 10.0	
TV	73.0	0.0	170.7	0.0		0.016	TL 23.00	PV 0.5	

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 08/07/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 05, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 26, 27, 28, 29, 30, 31, 32, 34,  
35, 36, 37, 38, 39 AND 41.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

*[Signature]*  
DIRECTOR

*[Signature]*  
BUILDINGS ENGINEER

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Aug 8, 96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: Aug 5, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

# 26  
27  
29  
30  
31  
32  
34  
36  
37  
40  
41  
42

RBS:sp

BRUCE2/DEPRM/TXTSBP

MAIL DELIVERED





*[Signature]*  
DIRECTOR

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

*[Signature]*  
BUILDINGS ENGINEER



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

8-5-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

Baltimore County  
Item No. 029 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21202-0717

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO:     Arnold Jablon, Director  
         Permits and Development  
         Management

DATE:   August 1, 1996

FROM:   Pat Keller, Director  
         Office of Planning

SUBJECT:   Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 18, 26, (29), 31, 32, 34, 35, 36, 37, 39, 40, 41, and 42

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Sam L. Lewis*

PK/JL

### Special Provisions - Section 3

2. All construction personnel are required to conform to the safety requirements posted or dictated by the County or State Highway Administration in writing. To the fullest extent permitted by the law, the Contractor shall indemnify and hold harmless the County and the State Highway Administration and their agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from negligence by an employee of the Contractor, any Subcontractor, or anyone directly or indirectly employed or acting on behalf of any of them.

3. The Contractor shall try to minimize interference with the operation of existing utilities.

### #31 CONCURRENT CONSTRUCTION ACTIVITIES BY OTHERS

A. The Contractor is advised that construction of other contracts may be in progress at the same time that this Contract is under construction. The Contractor shall schedule his work so as to minimize conflict or interference with these other contracts.

B. The Contractor shall conduct his operations so as not to interfere with or injure the work of other contractors or workmen performing work for the County or State Highway Administration. The Contractor shall promptly make good, at his own expense, any injury or damage which may be done to such work by him or his employees, agents or sub-contractors.

C. The Contractor shall suspend such part of the work, or shall carry on the same in such a manner as may be ordered by the Engineer when necessary to facilitate the work of such other contractors.

D. Any difference which may arise between the Contractor and any other contractors or workmen of the County or the State Highway Administration in regard to their work shall be determined and adjusted by the County insofar as the County has authority.

E. The Contractor shall not be entitled to any extra compensation or damages as a result of delays or hindrances which may be caused by the work of such contractors or the County's or the State Highway Administration's workmen.

F. Information available to the County or the State Highway Administration relative to schedules of activities of other contractors will be available to the Contractor by the Engineer upon request.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: August 9, 1996

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for August 12, 1996  
Item No. 029

The Development Plans Review Division has reviewed the subject zoning item. The center line of an existing 10-foot wide utility easement runs down the property line between house #135 E. Padonia Road and 2428 Hartfell Road. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

The variance for a 14-foot rear yard setback is acceptable to this department.

Also, prior to removal of any existing curb for driveway entrances, the owner shall obtain a permit from the Department of Permits & Development Management.

The proposed driveway entrance shall be built per the Department of Public Works' Std. Plat R-15A.

RWB:HJO:jrb

cc: File

ZONE21A

# Ordering Information



When placing an order, indicate the

full product name. Specify the quantity, model, style, office size, temperature rating, type of finish, escutcheon plate finish, and sprinkler wrench.

For special painted escutcheon finishes, the customer must provide paint in a quick-drying or lacquer base finish to insure proper color duplication. Without such a guide, Central Sprinkler Company cannot be responsible for acceptable color matching.

## Availability and Service: Central

sprinklers, valves, accessories, and other products are available throughout the U.S. and Canada, and internationally, through a network of Central Sprinkler distribution centers. You may write directly to Central Sprinkler Company or call 215-362-0700 for the distributor nearest you.

## Conversion Table:

1 inch = 25.400 mm  
1 foot = 0.3048 M  
1 pound = 0.4536 kg  
1 foot pound = 1.36 Nm  
1 psi = 6.895 Kpa  
= 0.0689 bar  
= 0.0703 kg/cm<sup>2</sup>  
1 U.S. gallon = 3.785 dm<sup>3</sup>  
= 3.785 liters

Conversions are approximate.



**Central Sprinkler Company**  
451 N. Cannon Avenue, Lansdale, PA 19446  
Phone (215) 362-0700  
FAX (215) 362-5385

HEC-12.2

Because the discharge pattern is critical to protection of life and property, nothing should be hung or attached to the sprinkler unit that would disrupt the pattern. Such obstructions must be removed. In the event that construction has altered the original configuration, additional sprinklers may need to be installed to maintain the protection level.

Do not attempt to replace sprinklers without first removing the fire protection system from service. Be

certain to secure permission from all authorities having jurisdiction, and

notify all personnel who may be affected during system shutdown. A

fire watch during maintenance periods is a recommended

precaution.

To remove the system from service

mode, first refer to the system operating guide and valve

instructions. Drain water and relieve

pressure in the pipes. Remove the

existing unit and install the recommended sprinkler wrench. Be

certain to match model, style, office

and temperature rating.

**Guarantee: Central Sprinkler**

Company will repair and/or replace

any product found to be defective in

material or workmanship within a

period of one year from date of

shipment. Please refer to the current

Price List for further details of the

warranty.

©1992 Central Sprinkler Company  
Printed in U.S.A.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 1996

Mr. and Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Petition for  
Administrative Variance  
SE/corner Padonia Road  
and Hartfell Road  
(135 E. Padonia Road)  
8th Election District  
3rd Councilmanic District  
Salvatore M. Zumbo, et ux  
- Petitioner  
Case No. 97-28-A

Dear Mr. and Mrs. Zumbo:

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 1996 by James and Katherine Knapick. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON  
Director

AJ:rye

c: People's Counsel

NOV 10 1996



APPEAL

Petition for Administrative Variance  
SE/corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)  
8th Election District - 3rd Councilmanic District  
Salvatore M. Zumbo, et ux - Petitioners  
Case No. 97-28-A

Petition for Administrative Variance

Description of Property

Certificate of Posting

No Certificate of Publication Found

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - Plat to Accompany Petition for Zoning  
Variance  
2 - Four Photographs

Objections to Zumbo's Zoning Variance

Letter from Salvatore M. Zumbo to Arnold Jablon dated August 21, 1996

Deputy Zoning Commissioner's Order dated October 3, 1996 (Granted)

Notice of Appeal received on November 1, 1996 from James and  
Katherine Knapick

c: Mr. and Mrs. James Knapick, 2428 Hartfell Road, Timonium, MD 21093  
Mr. and Mrs. Salvatore Zumbo, 135 E. Padonia Rd., Timonium, MD 21093  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM



2428 Hartfell Road  
Timonium, MD 21093  
November 1, 1996

Deputy Zoning Commissioner  
Office of Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Petition for Administrative Variance  
Case Number 97-28-A  
135 East Padonia Road

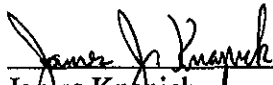
Dear Mr. Deputy Zoning Commissioner:

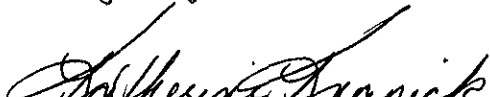
On behalf of the undersigned, please note an Appeal from the Decision of the Deputy Zoning Commissioner dated October 3, 1996 to the County Board of Appeals of Baltimore County.

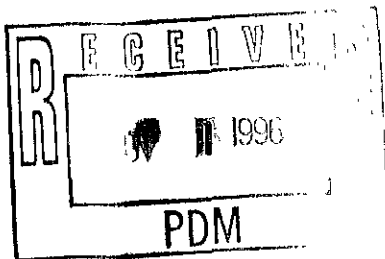
Please keep us advised of any scheduled hearing dates.

Enclosed you will find our check in the amount of \$210.00 made payable to Baltimore County, Maryland for the Appeal filing costs as relayed to us by Ms. Stevens of the Zoning Office.

Very truly yours,

  
James Knapick

  
Katherine Knapick





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

December 2, 1996

Mr. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Case No. 97-28-A  
Salvatore M. Zumbo, et ux -Petitioners

Dear Mr. Zumbo:

The Board is in receipt of your letter of November 29, 1996 in which you request that consideration be given to scheduling your case to an early date on the Board's hearing schedule.

At this time, the Board's docket is scheduled through March of 1997, and, therefore, there are no hearing days open which would permit this matter to be heard earlier than April of 1997. However, in the event another case falls out as the result of postponement, settlement, etc., and a date becomes available, then consideration will be given to granting your request.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert O. Schuetz".

Robert O. Schuetz, Chairman  
County Board of Appeals

cc: Mr. & Mrs. James Knapick  
People's Counsel for Baltimore County



**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

---

**IN THE MATTER OF:** Salvatore M. Zumbo, et ux -Petitioners  
Case No. 97-28-A

**DATE** : May 1, 1997 / deliberation on Protestants'  
Motion to Deny brought at conclusion  
of Petitioners' case-in-chief

**BOARD /PANEL** : Robert O. Schuetz, Chairman (KKH)  
Charles L. Marks (CLM)  
Margaret Worrall (MW)

**SECRETARY** : Kathleen C. Bianco  
Legal Administrator

**ROS:** For the benefit of the folks who are not accustomed to proceedings before the Board, what we have before us currently is Motion to Deny Petition for Variance being brought by Protestants' counsel, Mr. Tanczyn, on the conclusion of the Petitioners' case-in-chief.

The Board's Legal Administrator is going to keep minutes of this part of the proceeding. This is not part of the record. Something called the open meetings law, or sunshine law, in Maryland imposes the requirement that a deliberative process, such as this afternoon, must be done in open session so the public has the opportunity to review the process. It's not part of the record because it is nothing which is participatory in nature. It's a session between the Board members to which you are invited.

Having said that, the Board's Legal Administrator will be keeping minutes so as to indicate compliance with the open meetings law.

I'm going to go first. I think this is a very difficult situation. And the situation comes to us because of the nature of what happens before it gets to the Board of Appeals. Hearing is de novo at this level because presumably two heads are better than one; you need to have a pair of eyes reviewed by another body -- that body needs an extra body.

What happens before the Zoning Commissioner -- sometimes the question is "what is the right thing to do." Variances are granted because sometimes variances are the right thing to do. When it gets here because someone is aggrieved, and they have a legal reason to object to what is proposed, this Board has very little opportunity, if any, to consider merits of what is the right thing to do versus what is the legal thing to do.

I indicated to you that I am not an attorney nor are my colleagues, but despite that, the Board, in its experience as panel members as well as participants in prior life before coming to the Board, may have had exposure to the differences. I agree with you that what is proposed is preferable to what

MAILED 1997 MAY 1

you were talking about in the line of Mr. Keys' testimony. But the zoning regulation draws distinctions between what is legally allowed attached garage. Why it does that is not for the Board to say. The County Council enacts regulations and statutes, and the Board is left with the task of interpreting regulations and statutes where issues are debatable in the light of the law.

Having said all that, and having provided the opportunity to address the issue of uniqueness as a pro se litigant in this case, and my attempt to provide some guidance as to how the case had to proceed for uniqueness, and practical difficulty and unreasonable hardship, and granting a variance would be in the spirit and intent of the zoning regulations, I have to side with Mr. Tanczyn in his characterization that the property is not unique. I do not find the property unique. So Cromwell says we stop right there. I agree that what you propose is preferable to a detached garage, but in light of the law, I have to say it is not legal.

Assuming, in arguendo, that the property is unique, then practical difficulty and unreasonable hardship come into question, and, again, we have the issue of whether or not you already enjoy full use of the property. On the stand, you indicated that at the time of purchase, you had two children. You still have two children. You enjoy the property as at the time of purchase, so the question of unreasonable hardship is not met.

The question of practical difficulty is also addressed by the fact that it is entirely possible, maybe not probable, but entirely possible that relief is not the minimum relief necessary, and that you could potentially build a garage adjacent to where you currently have a garage, and there is certainly nothing stopping anyone from going vertical on a one-story building.

There's nothing to support an argument for practical difficulty or unreasonable hardship.

But assuming, in arguendo, that you met those tests -- is it within the spirit and intent of the zoning regulations? I don't see where, because you have had full use of the property. The spirit and intent of the zoning regulations is to foster development and foster development in such a fashion not impacting upon other, in a fashion which is consistent with the zoning classification. We do not have that here either.

I apologize if it sounds as though I am being terse, but I have a narrow view of what is being considered, and that is the tests prescribed in what Cromwell and the tests themselves indicated in 307.1 of the BCZR. And so I don't know if I have

said enough or too much, but I tried to allow you to put on your case, more than that for pro se litigant. But for all the reasons, I would grant the Motion to deny Petition for Variance.

CLM: Normally when I chair a case like this, and such a Motion is made that, according to the law, there is not enough documentation to support the Petitioner's case, I normally would deny those motions, preferring to hear both sides and viewpoints, and read in greater depth my notes and the evidence produced at hearing. This case is a little different -- as I have sat here for almost 3 hours taking notes and listening to testimony and evidence, I find it compelling that the Petitioner, while presenting a fine case, even an attorney could not have presented it more convincingly, has not met the burden upon the Petitioner according to the law that we could grant the variance.

At one time in Baltimore County, variances were easily granted. But the law, as it has progressed, has changed dramatically. And while it is true that the Deputy Zoning Commissioner or Zoning Commissioner may see things differently than this Board, this Board is constrained to look at the evidence and testimony, and examine in the light that if the decision is appealed to the Circuit Court, then what we decide will be scrutinized by a judge at a higher level.

Guidelines include the laws of Baltimore County, but we are also guided by the law which comes down from the Court of Special Appeals and the Court of Appeals - the laws of the State. It's not a question of what we would like to do but what the Court directs us to do. Cromwell v. Ward, which I have read many, many times -- I may not necessarily agree with the total decision, but is the law of the State; imposed upon us and Circuit Court judges -- variances are to be granted minimally in Baltimore County and throughout the whole State.

The conditions to be met are first the uniqueness or unusual test -- unless proven to be unique or unusual -- question of size, shape, historical content, topography -- that runs with the land, then the zoning authority cannot grant the variance. While I think the Petitioner has presented convincing case, I do not believe the standards imposed on us prove unusual or unique. It's not different from other corner properties in the community.

Having not met that burden, we are not constrained to go any further. If we were to move into that issue - the house was purchased in 1989, and there was the same family situation as the present time. You get what you buy. When purchasing property, one should realize it may not be adequate for future needs. Testimony produced that the present driveway is not used because of storage. That was condition of property when

purchased.

The evidence and testimony does not support granting of variance by Baltimore County statute and the guidelines set forth. I would deny the variance.

MW: I would absolutely concur with my colleagues for the very same reasons. Lots of reasons and circumstances by which they were given in the past, and that was the reason why the higher courts set forth a clear standard by which variances may be granted. As Mr. Marks said, only under certain circumstances -- circumstances under which we must judge the quality of uniqueness, and I agree that certainly what the Petitioners said in attempting to prove that case was germane to what they wish to do, but as everyone seemed to agree, there are numerous other corner lots in the same configuration.

Therefore, this lot is really not at all unique. And once we are to that point, by Cromwell v. Ward we need go no further. If we were, for the sake of argument, I think whether or not the Petitioners would like to choose from the other options that may be permitted to do, that I would agree with my colleagues that the request for variance must be denied.

ROS: Before we adjourn, I wanted to mention one or two other issues. As my colleague, Mr. Marks, indicated, in the past variances had been granted more freely than they are these days, and a lot of it is the result of Cromwell v. Ward - and the strict nature of the opinion that the Court provided. And as Mr. Marks indicated, we may not agree just how strict it has to be, but we concur that the variance must be viewed as resting with the land as opposed to a special exception, which is essentially permission to obtain a use. And a variance necessitated by a personal need is essentially, in the eyes of the Court, something which is simply not allowed. Why? Because a variance does go with the land. The variance will still be there, even when you are not.

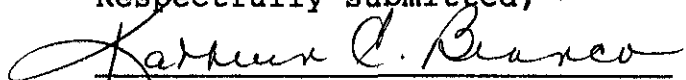
Time may change things, but this Board has nowhere to move on the interpretation as set down by the Court.

Having said all that, we can, concurring, set forth a written opinion and order. Any Petition for Judicial Review comes from that date and not today's date.

Thank you very much.

\* \* \* \* \*

Respectfully submitted,

  
Kathleen C. Bianco  
Legal Administrator

Case No. 97-28-A

VAR -To permit a rear yard setback of 14' in lieu of required 30'; and side street setback of 34' in lieu of required 35' for proposed garage addition.

10/03/96 -Deputy Zoning Commissioner's Order in which Petition for Variances was GRANTED.

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12/02/96 -Letter dated 11/29/96 from Mr. Zumbo requesting consideration of earlier hearing date for 97-28-A, other than the anticipated April 1997.

- Letter to Mr. Zumbo from ROS; no earlier dates available at this time; should another case fall out, consideration will be given to putting this matter in its place.

---

3/17/97 -Notice of Assignment for hearing scheduled for Thursday, May 1, 1997 at 1:00 p.m. sent to following:

Mr. and Mrs. James Knapick  
Mr. and Mrs. Salvatore Zumbo  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt

Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty

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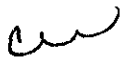
5/01/97 -Hearing convened; Motion to deny petition for variance brought by counsel for protestants (M. Tanczyn) in conclusion of Petitioners' case-in-chief.

- CBA publicly deliberated Motion; granted same; Petition for Variance denied; Petitioners did not meet burden. Written Opinion/Order to be issued; appellate period to run from date of written Order. (R.C.W.)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: November 18, 1997  
Permits & Development Management

FROM: Charlotte E. Radcliffe   
County Board of Appeals

SUBJECT: Closed File: Case No. 97-28-A  
                                 SALVATORE M. ZUMBO, ET UX  
                                 8th E; 3rd C

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-28-A w/ 5 large exhibits)



Law Offices  
**MICHAEL P. TANCZYN, P.A.**

Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204  
(410) 296-8823 - (410) 296-8824  
Fax: (410) 296-8827  
Computer Fax: (410) 296-2848

May 1, 1997

County Board of Appeals  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, MD 21204

**Hand Delivered**

Re: Petition for Administrative Variance  
Case Number 97-28-A  
135 East Padonia Road

Gentlemen:

Please enter my appearance on behalf of the Protestants, James Knapick and Katherine Knapick, in the above matter.

Very truly yours,

  
Michael P. Tanczyn

MPT/ed

cc: Mr. & Mrs. Salvatore Zumbo - Hand Delivered  
Mr. & Mrs. James Knapick

RECEIVED  
COUNTY BOARD OF APPEALS  
97 APR 31 PM 12:40

### OBJECTIONS TO ZUMBO'S ZONING VARIANCE

1. No survey of the property has been performed to establish the building lines. Site plan only. We do not agree on Mr Zumbo's measurements and where it will place the garage in relationship to the boundry line. We think it could be less than 14 feet from the property line when a proper survey is performed.
2. This addition is unprecedented for the neighborhood. There is no other corner property in the Coachford or Springlake neighborhood where such a large two-car garage structure has been added or any two car garages added to any home with an existing garage in the neighborhood. This size and placement of this two-car garage is inappropriate to the site and the neighborhood.
3. Will create additional noise. Will put the garage and noise of people and cars 14 feet from the property line. Our young children's bedrooms will face this garage and they will be subjected to the additional noise of cars starting, car doors closing, garage doors opening and closing and people talking getting in and out of cars. Also the probability of the Zumbo's basketball hoop being relocated to the driveway and their older boys playing basketball in the evening hours as our children try to sleep.
4. Will create additional traffic. Obviously it's two more cars that will start and stop their journey on our street along with any visitors.
5. A very real potential traffic hazzard. We already have difficulty backing out at times because of our driveway's close proximity to the corner of Padonia Road. Cars speed around the corner from both directions of Padonia Road and we have had a few close calls. With this new driveway, the cars backing our of it will have even less time to react to a car coming around the corner. Also the garage itself and any cars parked in the driveway will impare our line of sight and make it even more dangerous for us to exit our driveway.
6. We bought into this neighborhood because it was an older, established neighborhood with large lots and larger spacing between homes. It's not like the newer developments where the homes are built on top of each other. This large addition puts the building approximately 14 feet from our property line not the 30-foot set-back we thought we were protected by from the zoning laws. This addition also obstructs our view for pleasure and takes away the "openness" feeling we presently enjoy which was one reason we purchased this home. This additional will also be visable from all parts of our backyard and patio.

OBJECTIONS TO ZUMBO'S ZONING VARIANCE

Page 2

7. We are concerned about additonal flood lighting that will light the children's bedrooms in the evenings, especially if the Zumbo's boys are playing basketball in the evenings.
8. As the addition will be a garage, flamable materials will be stored in it; lawn mower, gas, paints, etc. Do the plans call for a two-hour fire wall as will be closer than the permitted 30-foot setback.
9. Concerned that their trash and recyclables will be stored outside the garage facing our property line and the smell of trash and grass clippings will be unpleasant during the summer months.

GS 96-4666  
(2nd copy)

August 21, 1996

Arnold Jablon  
Director of PDM  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case Number: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia and W/S Hartfell Rd.  
8th Election District- 3rd Councilmanic  
Legal Owner(s): Salvatore M. and Catherine S. Zumbo


Dear Director Jablon:

When I called your department on August 19, 1996, I was informed that one person filed a request for a public hearing with respect to the administrative variance I petitioned for in the above case number.

Since I did not anticipate the complaint, and the additional time needed for the public hearing process, I now find myself under increasing time and monetary pressure brought about by the postponement. I would appreciate it very much if you would consider scheduling my case for an early hearing.

Please accept my gratitude for your consideration.

Sincerely,

  
Salvatore M. Zumbo

AUG 6 1996

[RECEIVED]

8/23/96  
JO GS

August 21, 1996

Arnold Jablon  
Director of PDM  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case Number: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia and W/S Hartfell Rd.  
8th Election District- 3rd Councilmanic  
Legal Owner(s): Salvatore M. and Catherine S. Zumbo

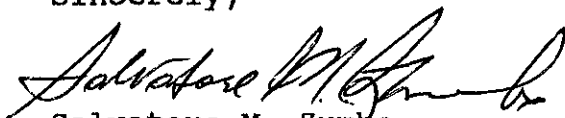
Dear Director Jablon:

When I called your department on August 19, 1996, I was informed that one person filed a request for a public hearing with respect to the administrative variance I petitioned for in the above case number.

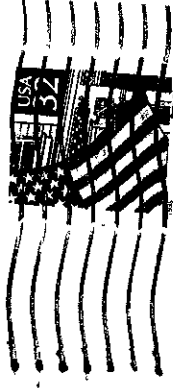
Since I did not anticipate the complaint, and the additional time needed for the public hearing process, I now find myself under increasing time and monetary pressure brought about by the postponement. I would appreciate it very much if you would consider scheduling my case for an early hearing.

Please accept my gratitude for your consideration.

Sincerely,

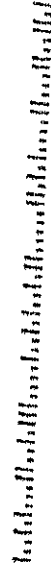
  
Salvatore M. Zumbo

ZUMBO  
135 E. PADONIA RD  
TIMONILM, MD 21093



ARNOLD TABLON  
DIRECTOR OF PDM  
COUNTY OFFICE BUILDING  
111 WEST CHESAPEAKE AVE  
TOWSON, MD 21204

21204/0813



November 29, 1996

Robert O Schuetz, Chairman  
Baltimore County Board of Appeals  
400 Washington Avenue Room # 49  
Towson, Maryland 21204

Re: Case Number: 97-28-A  
Petition for  
Administrative Variance  
135 E. Padonia Road  
corner S/S of E. Padonia and W/S Hartfell Rd.  
8th Election District- 3rd Councilmanic District  
Legal Owner(s): Salvatore M. and Catherine S. Zumbo

Dear Chairman Schuetz:

On November 9, 1996, I received a letter (dated Nov. 6, 1996) from Arnold Jablon, Director of PDM, informing me that an appeal of the above-referenced case was filed in his Office on November 1, 1996, by James and Katherine Knapick, and that all materials pertaining to the case have been forwarded to the Baltimore County Board of Appeals. I subsequently called your Office to find out the date of the appeal, and to my surprise, I was informed that the earliest possible date for the appeal would not occur until the end of March or early April of 1997.

Since I did not anticipate the appeal, and the additional time needed for the process, I have now lost my builder, and find myself under increasing time and monetary pressure brought about by the unexpected postponement. I would appreciate it very much if you would consider scheduling my case for an earlier date than the above-mentioned time frame projected by your Office.

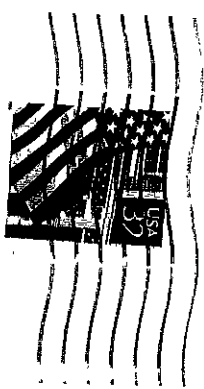
Please accept my gratitude and thanks for your consideration in this matter.

Sincerely,



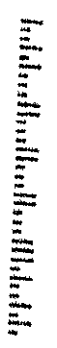
Salvatore M. Zumbo

Sale & Cathy Zumbo  
135 E. Padonia Rd  
Timonium, MD 21093



ROBERT O SCHWETZ, CHAIRMAN  
BALTIMORE COUNTY BOARD OF APPEALS  
400 WASHINGTON AVENUE ROOM #49  
TOWSON, MD 21204

21111/3333





PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Cathy Zumbo  
SALVATORE ZUMBO  
OSCAR M KEYS JR  
Joan C. Alonio

135 E. Padonia Rd.  
135 E. PADONIA RD  
131 E. PADONIA RD  
133 E. Padonia Rd



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

James Knapick

ADDRESS

2428 Hartell Rd. Timonium.



# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 135 E. Padonia Rd

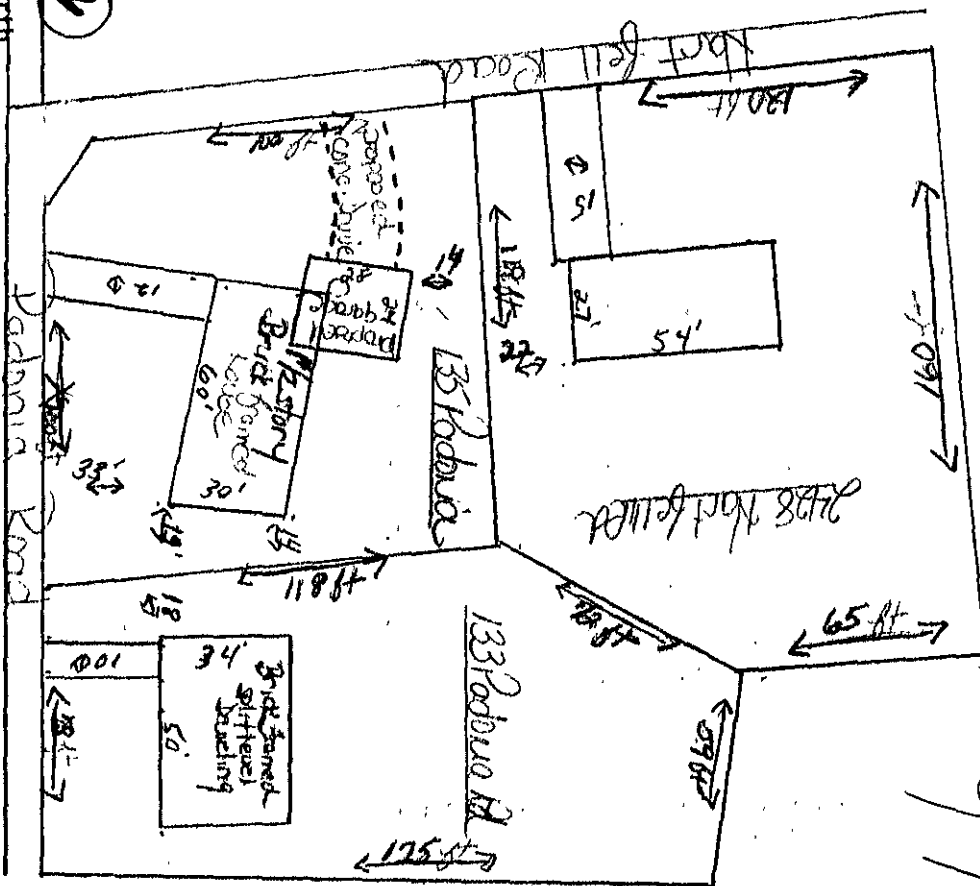
Subdivision name: Cock Road

plat book# 29, folio# 99, lot# 21, section# ONE

OWNER: Salvatore + Catherine Zumbo

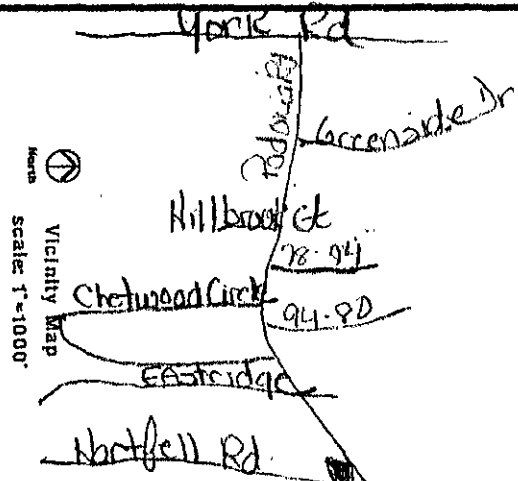
see pages 5 & 6 of the CHECKLIST for additional required information

97-28-A



PETITIONER'S  
EXHIBIT

1.D. only



## LOCATION INFORMATION

Election District: 08

Councilmanic District: III

T=200' scale map# NV154

Zoning: RE 3.5

Lot size: 0.24 12,100  
acreage square feet

SEWER: ☒ public ☐ private  
WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ Yes ☒ No

Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

7/11 29

North  
date: 7/20  
prepared by: Doug Cameron Scale of Drawing: 1" = 50'

Prot. # 6

NOT FILMED

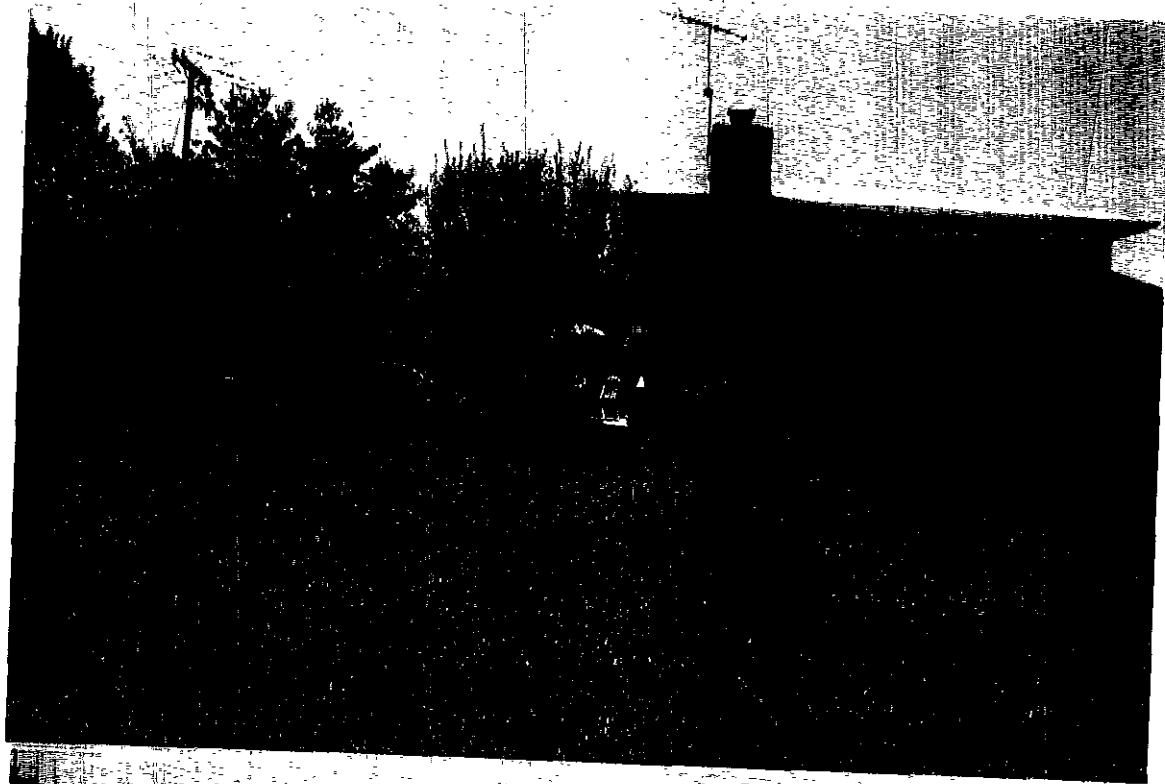
97-28-A

Nightow  
house on  
Hartfell

near yard  
where garage  
is to be  
added

PETITIONER'S  
EXHIBIT 2 A

97-28-A



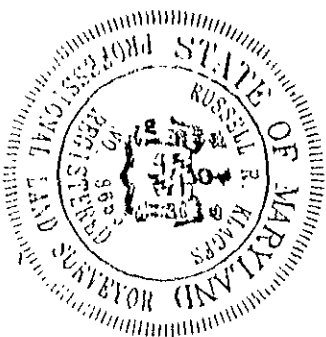
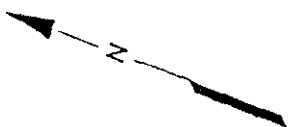
rear yard  
where garage  
is to be  
added.



rear yard  
where garage  
is to be  
added.

Pet. # 2 B

Pertinence # 4



I HEREBY CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS ON THE PROPERTY KNOWN AS  
 135 PADONIA ROAD - BALTIMORE, MARYLAND 21063  
 Baltimore County, Maryland  
 AND THE IMPROVEMENTS ARE LOCATED AS SHOWN. THIS PLAT IS NOT TO BE USED FOR THE PURPOSE OF ESTABLISHING PROPERTY LINES.

*Michael J. Givens* 7/20/89

TEIPLAR ENGINEERING  
 8235 RUXTON CROSSING COURT  
 RUXTON, MARYLAND 21204  
 (301) 823-3567

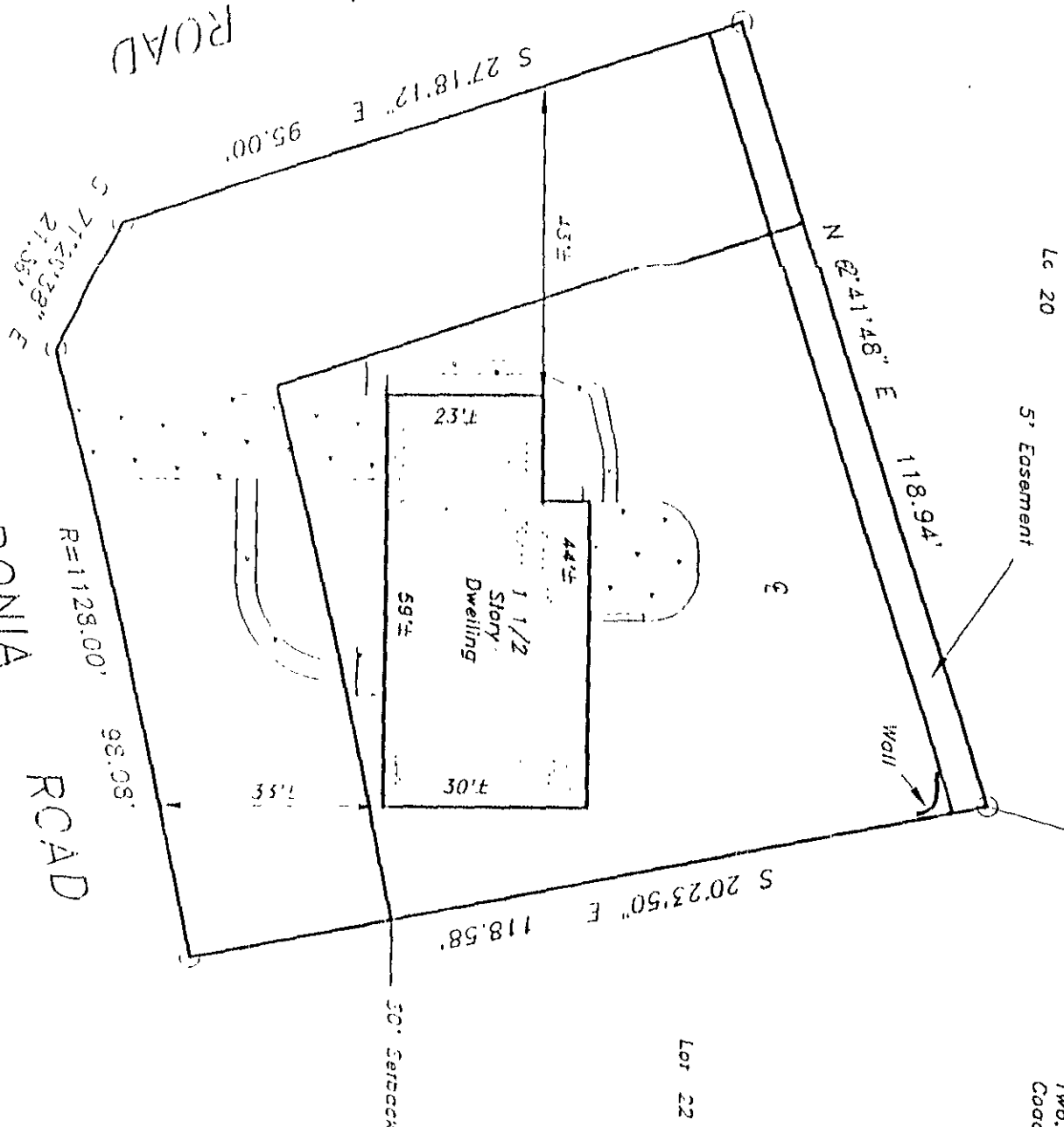
SCALE: 1" = 25'

HARTFELL

ROAD

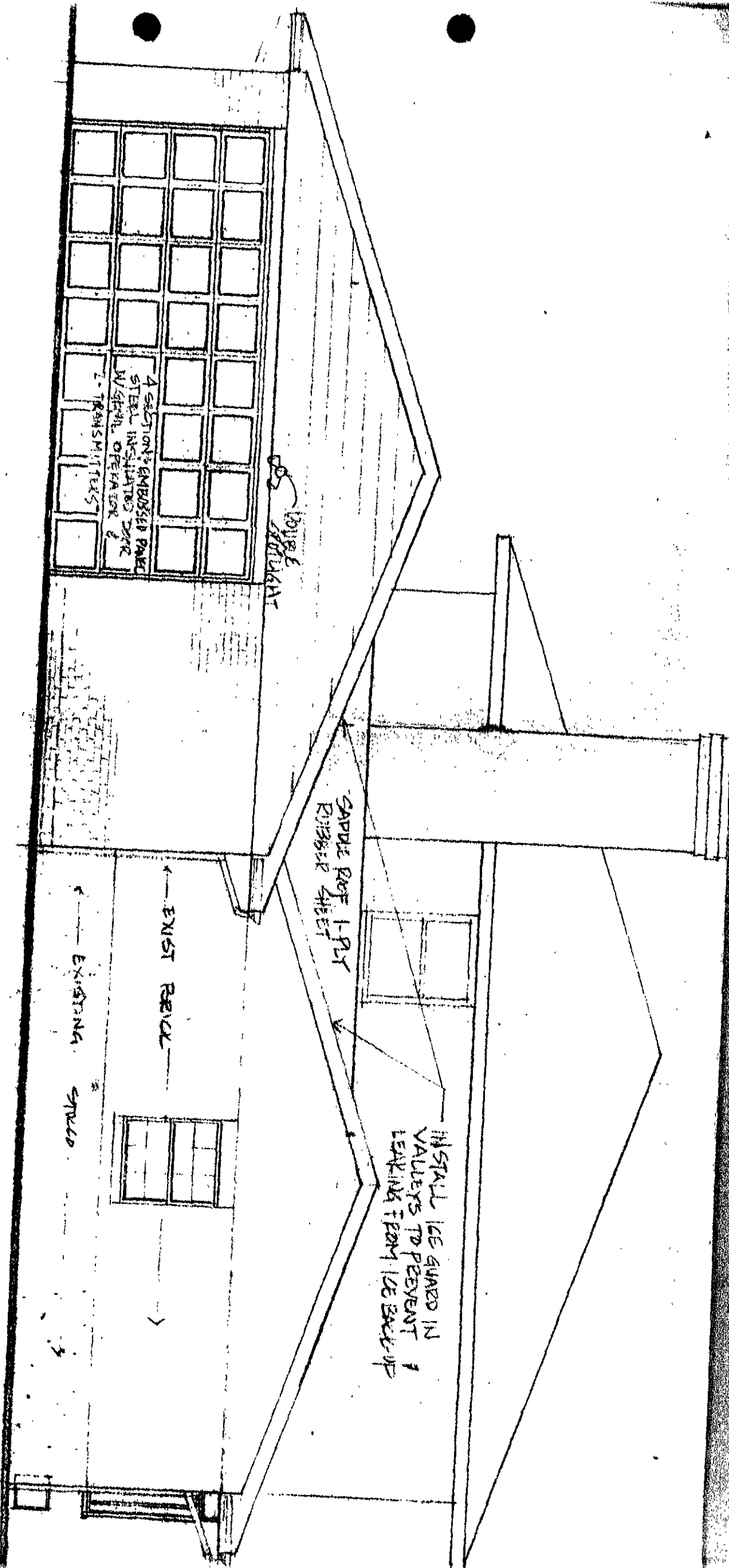
PADONIA

ROAD



Lot Number: 21  
 Block/Section: J  
 Plat Reference: Book 29 Page 39  
 Title of Plat: Subdivision Plan, Plat Two, Section One, Coachtford

Property lies in Flood Zone C



4 SECTION'S EMBOSSED PAPER  
STEEL INSULATED DOOR  
W/ 4th. OPERATION &  
2. TRANSMITTERS

DOOR ADJACENT

SADDLE ROOF 1-PLY  
RUBBER SHEET

INSTALL ICE GUARD IN  
VALLEYS TO PREVENT  
LEAKING FROM ICE BACK UP

EXIST. REAR

EXISTING STUCCO

SIDE ELEVATION

1/4" = 1'

0"

Pct. #5





Plat. # 7 - ~~Friendship~~

PROTESTANTS' EXHIBIT 7  
PHOTOGRAPHS TAKEN 3/97



```

TIME: 08:45:02      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 03/20/95
DATE: 04/15/97      BUILDING DETAIL 1                      PLD      10:29:20
PERMIT # B228538     PLANS:  CONST 0      PLOT 1      TRACT:      BLOCK:
                     TENANT
BUILDING CODE: 1     CONTR: K & K ENTERPRISES
IMPRV 2              ENGNR:
USE 01              SELLR:

```

CENTRAL AIR  
ESTIMATED COST  
50,000.00  
OWNERSHIP: 1

PROPOSED USE: SFD & ADDITION W/GARAGE  
EXISTING USE: SFD

RESIDENTIAL CAT: 1  
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:  
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT    PF3 - INSPECTIONS    PF8 - NEXT SCREEN    CLEAR - MENU

Pct. #8

TIME: 08:44:54  
DATE: 03/20/95

AUTOMATED PERMIT TRACKING SYSTEM  
GENERAL PERMIT APPLICATION DATA  
PANEL BP1003M  
LAST UPDATE 03/20/95  
PLD 10:26:08

PERMIT #: B228538  
RECEIPT #: A246672  
CONTROL #: MR  
XREF #: B228538

PROPERTY ADDRESS  
2308 POT SPRING RD  
SUBDIV: SPRINGLAKE  
TAX ACCOUNT #: 0808006330

DISTRICT/PRECINCT 08 12

FEE: 63.00  
PAID: 63.00  
PAID BY: APPL

NAME: FOLEY, THOMAS & JEAN C.  
ADDR: 2308 POT SPRINGS RD. 21093

DATES  
APPLIED: 03/20/95  
ISSUED: 03/20/95  
OCCPNY:

APPLICANT INFORMATION  
NAME: TOM KELLY  
COMPANY: K & K ENTERPRISES  
ADDR1: 14202 BALDWIN MILL RD.  
ADDR2: 21013  
PHONE #: 592-9201

LICENSE #: 30082

INSPECTOR: 08R  
NOTES: JP

ENTER - PERMIT DETAIL  
PF2 - APPROVALS

PF3 - INSPECTIONS  
PF4 - ISSUE PERMIT  
PF7 - DELETE  
PF8 - NEXT PERMIT

PASSWORD :

PF9 - SAVE  
PF10 - INQRY

Pet. #10

PANEL BP1003M

TIME: 08:47:31      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 10/20/94  
DATE: 10/20/94      GENERAL PERMIT APPLICATION DATA      PLN      09:54:35

PERMIT #: B215980      PROPERTY ADDRESS  
RECEIPT #: A235463      120      TREGARONE RD  
CONTROL #: MR      SUBDIV: COACHFORD  
XREF #: B215980      TAX ACCOUNT #: 0818051560      DISTRICT/PRECINCT 08      12  
OWNERS INFORMATION (LAST, FIRST)

FEE: 55.00      NAME: MARPHY, SUSAN  
PAID: 55.00      ADDR: 120 TREGARONE RD 21093  
PAID BY: APP

DATES      APPLICANT INFORMATION  
APPLIED: 10/20/94      NAME: J A ARRUSZESKI  
ISSUED: 10/20/94      COMPANY: ARIES BLDRS  
OCCPNY:      ADDR1: 1131 ENGLEBERTH RD  
ADDR2: 21221

INSPECTOR: 08R      PHONE #: 391-5570      LICENSE #: 12369  
NOTES: VLC/DLS

PASSWORD :

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ENTER - PERMIT DETAIL      PF3 - INSPECTIONS      PF7 - DELETE      PF9 - SAVE  
PF2 - APPROVALS      PF4 - ISSUE PERMIT      PF8 - NEXT PERMIT      PF10 - INQRY

TIME: 08:47:37      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 10/20/94  
DATE: 04/15/97      BUILDING DETAIL 1      PLN 09:56:32

PERMIT # B215980      PLANS: CONST 00      PLOT 1      TRACT:      BLOCK:  
TENANT      PLAT 0      DATA 0      EL 1      PL 2

BUILDING CODE: 1      CONTR: ARIES BLDRS  
IMPRV 2      ENGNR:  
USE 01      SELLR:

FOUNDATION      BASE      WORK: ENCLOSE EX CARPORT ON SIDE OF SFD TO BE USED  
2      3      AS 1 CAR GARAGE. 12'X31'X13'=372SF REFER TO  
CONSTRUC FUEL SEWAGE WATER      CASE 95-73-A  
2      1E      1E

CENTRAL AIR  
ESTIMATED COST  
12,000.00      PROPOSED USE: SFD & GARAGE  
OWNERSHIP: 1      EXISTING USE: SFD & CARPORT  
RESIDENTIAL CAT: 1

#EFF:      #1BED:      #2BED:      #3BED:      TOT BED:      TOT APTS:  
1 FAMILY BEDROOMS:      PASSWORD:

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ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU

TIME: 08:47:42      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 10/20/94  
DATE: 04/15/97      BUILDING DETAIL 2      PLN      09:56:32

PERMIT #: B215980	BUILDING SIZE	LOT SIZE AND SETBACKS
	FLOOR: 372	SIZE: 0080.00 X 0125.00
	WIDTH: 12	FRONT STREET:
GARBAGE DISP:	DEPTH: 31	SIDE STREET:
POWDER ROOMS:	HEIGHT: 13	FRONT SETB: NC
BATHROOMS:	STORIES: 1	SIDE SETB: NC/7'6"
KITCHENS:		SIDE STR SETB:
	LOT NOS: 11	REAR SETB: NC
	CORNER LOT: N	

ZONING INFORMATION		ASSESSMENTS
DISTRICT:	BLOCK:	LAND: 0058000.00
PETITION:	SECTION:	IMPROVEMENTS: 0128180.00
DATE:	LIBER: 002	TOTAL ASS.:
MAP:	FOLIO: 099	
	CLASS: 04	

PLANNING INFORMATION  
MSTR PLAN AREA:      SUBSEWER:      CRIT AREA:      PASSWORD:

ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU

PERMIT #: B239583  
RECEIPT #: A258488  
CONTROL #: MR  
XREF #: B239583

PROPERTY ADDRESS  
128 E PADONIA RD  
SUBDIV: COACHFORD  
X ACCOUNT #: 0823004560

Pet. #11  
DISTRICT/PRECINCT 08 11

FEE: 55.00  
PAID: 55.00  
PAID BY: APPL

OWNERS INFORMATION (LAST, FIRST)  
NAME: DEMBACK, BERRY & DENISE  
ADDR: 128 E PADONIA RD 21093

DATES  
APPLIED: 06/26/95  
ISSUED: 06/26/95  
OCCPNY:

APPLICANT INFORMATION  
NAME: MELODY CRANSTON  
COMPANY: DOUBLE EAGLE REMODELING INC  
ADDR1: 1339 SUDVALE RD  
ADDR2: BALTO MD 21208

INSPECTOR: 08R  
NOTES: RK/SMD

PHONE #: 668 5851

LICENSE #: 47250

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE  
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY  
PANEL BP1004M

TIME: 08:20:47 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/26/95  
DATE: 04/15/97 BUILDING DETAIL 1 PLF 13:53:11

PERMIT # B239583 PLANS: CONST 00 PLOT 1 TRACT: BLOCK:  
TENANT PLAT 0 DATA 0 EL 1 PL 2

BUILDING CODE: 1 CONTR: DOUBLE EAGLE REMODELING INC  
IMPRV 2 ENGR:  
USE 01 SELLR:

FOUNDATION BASE WORK: EXTEND EX.OPEN WOOD DECK & ENCLOSE TO BE SUNROO  
CONSTRUC FUEL SEWAGE WATER SUNROOM ON REAR OF EX.SFD 29'X15'X12'=435SF  
2 1E 1E FOOTERS REQ'D, VARIANCE CASE#95-417A

CENTRAL AIR  
ESTIMATED COST

18,000 PROPOSED USE: SFD & ADDITION

OWNERSHIP: 1 EXISTING USE: SFD

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE  
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU  
PANEL BP1005M

TIME: 08:20:56 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/26/95  
DATE: 04/15/97 BUILDING DETAIL 2 PLF 13:53:11

PERMIT #: B239583 BUILDING SIZE LOT SIZE AND SETBACKS  
FLOOR: 450 SIZE: 0096.00 X 0000.00  
WIDTH: 29' FRONT STREET:  
DEPTH: 15' SIDE STREET:  
POWDER ROOMS: HEIGHT: 12' FRONT SETB: NC  
BATHROOMS: STORIES: SIDE SETB: NC/NC  
KITCHENS: SIDE STR SETB:  
REAR SETB: 15'

ZONING INFORMATION

DISTRICT: BLOCK: ASSESSMENTS  
PETITION: SECTION: LAND: 0056170.00  
DATE: LIBER: 002 IMPROVEMENTS: 0120730.00  
MAP: FOLIO: 099 TOTAL ASS.:  
CLASS: 04

PLANNING INFORMATION

MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE  
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU  
PANEL BP1003M

TIME: 08:26:28 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 03/23/95  
DATE: 03/29/95 GENERAL PERMIT APPLICATION DATA PLC 13:20:04

Pet. #12

PANEL BP1003M

TIME: 08:43:27      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 03/23/95  
DATE: 04/15/97      GENERAL PERMIT APPLICATION DATA      PLC 13:20:04

PERMIT #: B228952      PROPERTY ADDRESS  
RECEIPT #: A246706      2209      STRYKER CT  
CONTROL #: MR      SUBDIV: SPRINGLAKE  
XREF #: B228952      TAX ACCOUNT #: 0801075030      DISTRICT/PRECINCT 08      12  
OWNERS INFORMATION (LAST, FIRST)  
FEE: 55.00      NAME: COLEMAN, JOHN R. & SANDRA L.  
PAID: 55.00      ADDR: 2209 STRYKER CT., 21093  
PAID BY: APPL.  
DATES      APPLICANT INFORMATION  
APPLIED: 03/23/95      NAME: CHRISTINE SCHWARTZ  
ISSUED: 03/29/95      COMPANY: BEL AIR CONSTRUCTION  
OCCPNY:      ADDR1: 1464 ROCK RIDGE RD.  
ADDR2: JARRETSVILLE, MD. 21087  
INSPECTOR: 08R      PHONE #: 557-9838      LICENSE #: 16823  
NOTES: JP/VLC

PASSWORD :

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ENTER - PERMIT DETAIL      PF3 - INSPECTIONS      PF7 - DELETE      PF9 - SAVE  
PF2 - APPROVALS      PF4 - ISSUE PERMIT      PF8 - NEXT PERMIT      PF10 - INQRY



TIME: 08:43:40      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 03/29/95  
DATE: 04/15/97      BUILDING DETAIL 1      PLM      11:46:02  
PERMIT # B228952      PLANS: CONST 2      PLOT 4      TRACT:      BLOCK:  
TENANT      PLAT 0      DATA 0      EL 1      PL 1  
BUILDING CODE: 1      CONTR: BEL AIR CONSTRUCTION  
IMPRV 2      ENGNR:  
USE 01      SELLR:

FOUNDATION      BASE      WORK: CONSTRUCT 2 STY ADD. W/CRAWL SPACE ONTO REAR  
2      3      OF EX. SFD. 1ST FLR-FAMILY ROOM, 2ND FLR-  
CONSTRUC FUEL SEWAGE WATER      SITTING ROOM. ALT TO CREATE ENTRY INTO EACH  
2      1E      1E      FLR. 20'X24'X24'=921SF

CENTRAL AIR  
ESTIMATED COST

84,656.00      PROPOSED USE: SFD AND ADDITION

OWNERSHIP: 1      EXISTING USE: SFD

RESIDENTIAL CAT: 1

#EFF:      #1BED:      #2BED:      #3BED:      TOT BED:      TOT APTS:

1 FAMILY BEDROOMS:      PASSWORD:

ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU

Petition for Administrative Variance  
 SE/corner Padonia Road and Hartfell Road  
 (135 E. Padonia Road)  
 8th Election District - 3rd Councilmanic District  
 Salvatore M. Zumbo, et ux - Petitioners  
 Case No. 97-28-A

✓ Petition for Administrative Variance

✓ Description of Property

✓ Certificate of Posting

No Certificate of Publication Found

✓ Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: ✓ 1 - Plat to Accompany Petition for Zoning  
 Variance  
 ✓ 2 - Four Photographs

✓ Objections to Zumbo's Zoning Variance

✓ Letter from Salvatore M. Zumbo to Arnold Jablon dated August 21, 1996

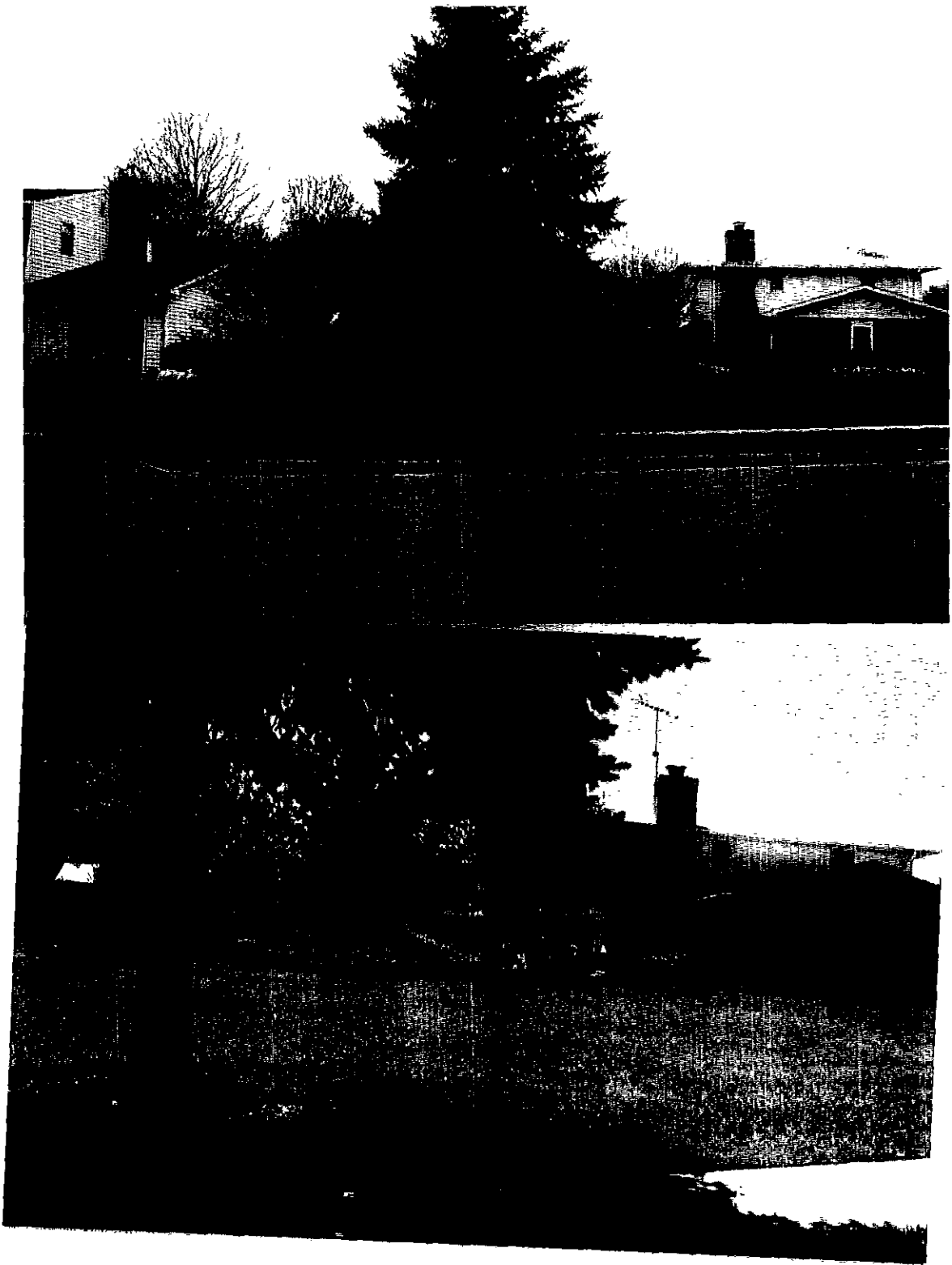
✓ Deputy Zoning Commissioner's Order dated October 3, 1996 (Granted)

✓ Notice of Appeal received on November 1, 1996 from James and  
 Katherine Knapick

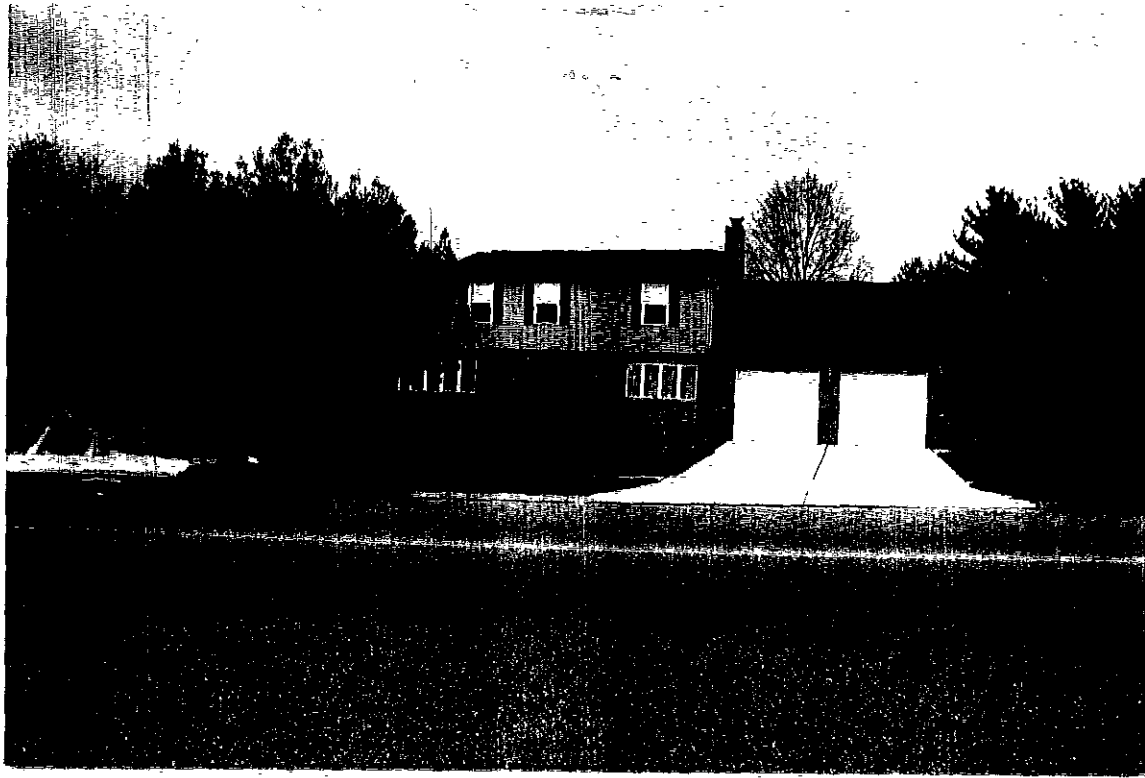
c: \*Mr. and Mrs. James Knapick, 2428 Hartfell Road, Timonium, MD 21093  
 Mr. and Mrs. Salvatore Zumbo, 135 E. Padonia Rd., Timonium, MD 21093  
 People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner  
 Arnold Jablon, Director of PDM

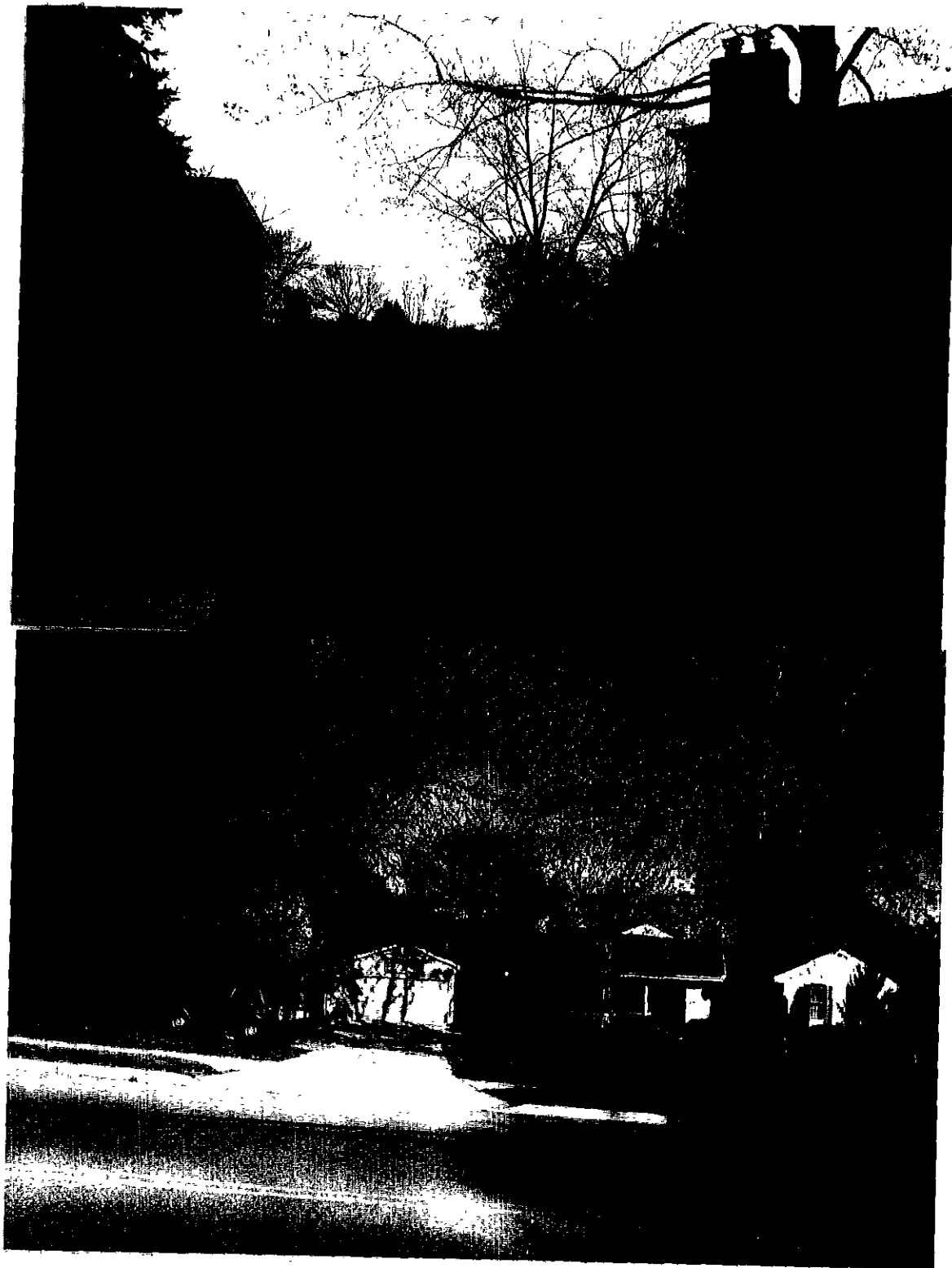
✓ 1

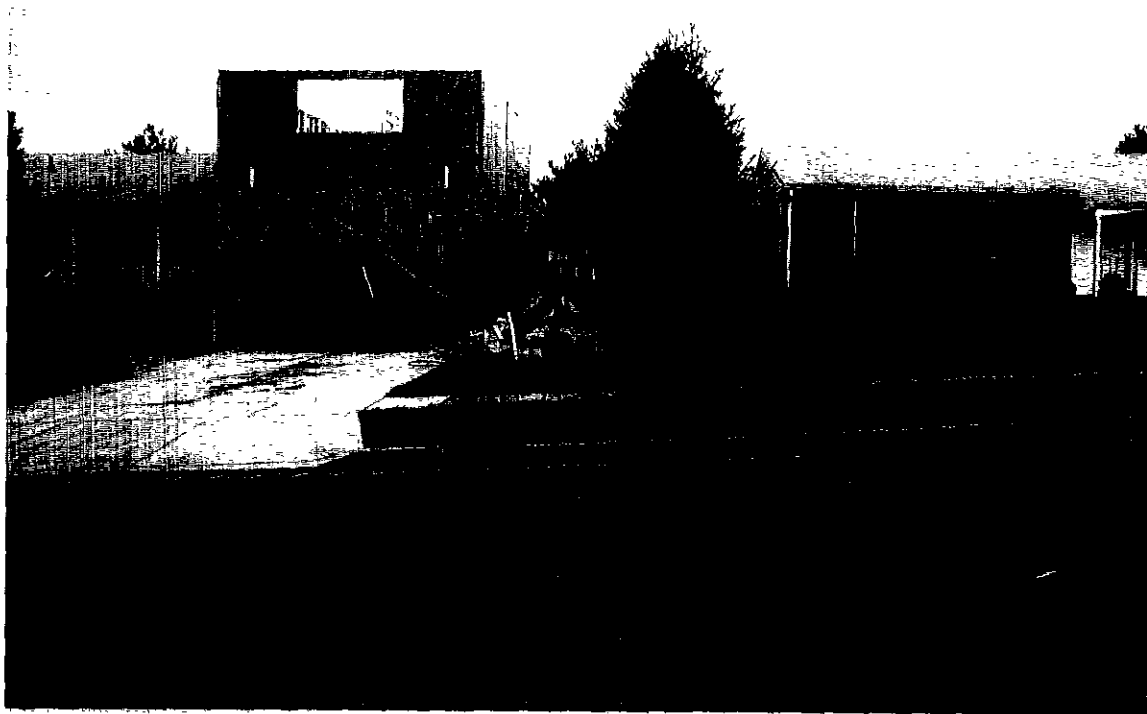
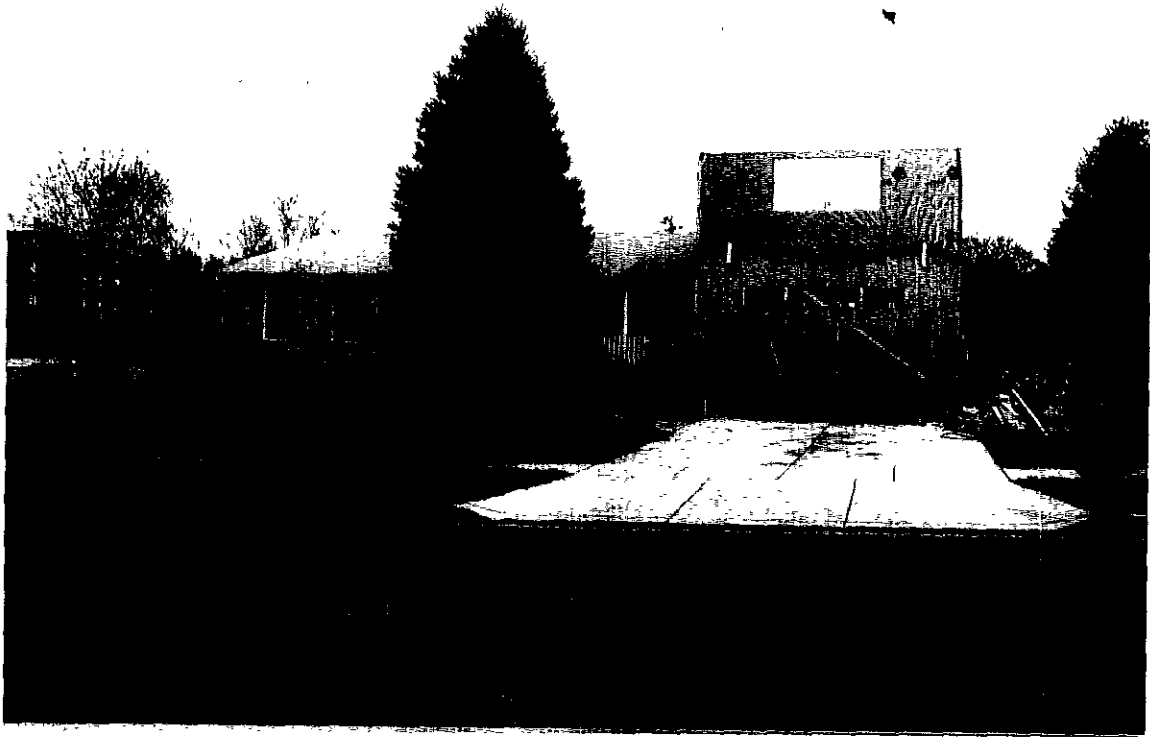








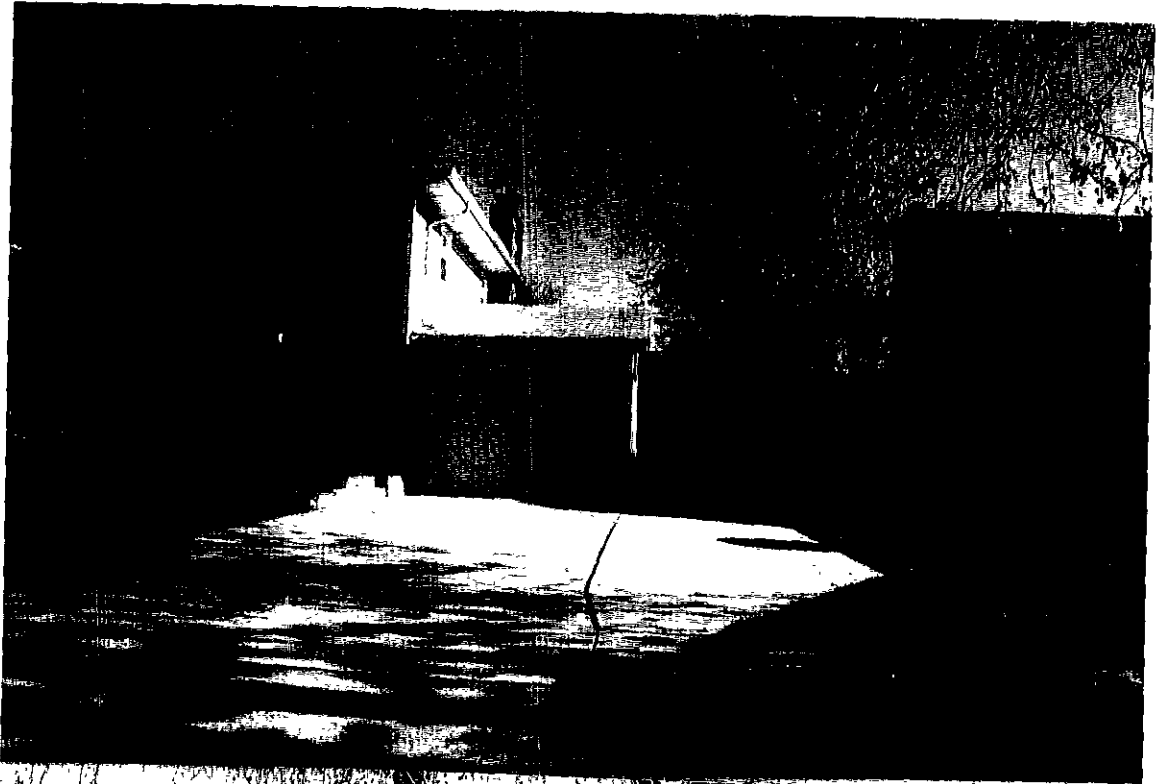
















IN RE: PETITION FOR ADMIN. VARIANCE  
SE/Corner Padonia Road and  
Hartfell Road  
(135 E. Padonia Road)  
8th Election District  
3rd Councilmanic District  
  
Salvatore M. Zumbo, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-28-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 135 East Padonia Road, located in the vicinity of Eastridge Road in Timonium. The Petition was filed by the owners of the property, Salvatore M. and Catherine S. Zumbo, through the administrative variance process. However, at the request of the adjacent property owner, James J. Knapick, the matter was scheduled for a public hearing to determine the appropriateness of the relief requested. Specifically, the Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Salvatore and Catherine Zumbo, legal owners of the property, and Oscar M. Keys, Jr. and Jean C. Alimo, adjoining neighbors. Appearing as a Protes-  
tant in the matter was James Knapick, who requested the public hearing.

Testimony and evidence offered revealed that the subject property consists of 0.24 acres, more or less, zoned D.R. 3.5 and is improved with

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Date

By

10/3/96

JBP

a single family dwelling and one car garage. Testimony revealed that the Petitioners have resided on the property for the past nine years and are desirous of converting the existing garage to create a small office and additional living space for their family. In conjunction with those improvements, the Petitioners propose constructing a new garage, 24' x 28' in dimension, onto the southeast (rear) corner of the existing dwelling as shown on Petitioner's Exhibit 1. As can be seen from the site plan, the proposed garage will be located on the southeast corner of the dwelling, 14 feet from the rear property line, and be accessed from Hartfell Road. Due to the layout of the dwelling and its location on a corner lot, the relief requested is necessary in order to proceed as proposed.

As noted above, Oscar Keys and Jean Alimo appeared on behalf of the Petitioners. Mr. Keys is a registered Professional Engineer who has resided in this community for the past 29 years. Mr. Keys testified that he has reviewed the plans for the proposed garage addition and in his opinion, the proposed garage is in character and keeping with the surrounding community and will not be situated any closer to Mr. Knapick's home than other homes in this community are situated to one another. That is, he believes the distance between the proposed garage and Mr. Knapick's home will be consistent with the distances between other homes in this community. He also testified that other homeowners in the Springdale and Coachford communities have constructed garage additions to their homes and that the proposed garage will not be inconsistent with others in these communities.

Also testifying on behalf of the Petitioners was Jean Alimo, who resides immediately adjacent to the subject property at 133 E. Padonia Road. Ms. Alimo testified that like Mr. Knapick, she will also be able to

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By [Signature]

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OCT 13 1996

view the garage from her property. She feels that the proposed addition is in character and keeping with others in the community and she has no objection. She also believes that once built, there will be sufficient distance between the garage and Mr. Knapick's home.

As noted above, Mr. James Knapick appeared and testified in opposition to the relief requested. Mr. Knapick has resided on the adjacent property known as 2428 Hartfell Road for approximately the past 9 years. He is opposed to the proposed garage as it is depicted on Petitioner's Exhibit 1. He believes that the garage addition will be located too close to his home and will impose upon his family's quiet enjoyment of their property. He believes that the driveway and access to the proposed garage off of Hartfell Road adjacent to his property will cause additional noise from cars and their occupants coming and going. He testified that he is not aware of other additions such as this in his community and believes that the proposed garage is too close to his house. He further objects to and disagrees with the measurements made by Mr. Zumbo as to the proximity of the proposed garage addition to his property line and home.

The Petitioners submitted photographs of the subject property and a field inspection was performed by this Deputy Zoning Commissioner. After reviewing all of the testimony and evidence offered by the Petitioners, as well as the two neighbors who appeared on their behalf, and taking into consideration the testimony of Mr. Knapick, I am persuaded to grant the relief requested to allow the proposed garage addition in accordance with Petitioner's Exhibit 1. The Petitioners' property is unique in that it is a corner lot and the house is situated on the property at an angle as opposed to being constructed parallel with Padonia Road. Furthermore, after construction of the garage addition, the distance between the pro-



posed improvements and Mr. Knapick's house will be consistent with the distances between other houses in this neighborhood. Mr. Zumbo testified that he measured with a tape measure the distance from the edge of the proposed garage addition to the edge of Mr. Knapick's house and determined a distance of 41 feet. Given the space configuration of other houses in this neighborhood, this is certainly an acceptable distance between the proposed addition and Mr. Knapick's home.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special

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Date 10/2/96  
By [Signature]

circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3<sup>rd</sup> day of October, 1996 that the Petition for Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 208.4, R-10 of the Zoning Commissioner's Policy Manual) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


2) Compliance with the Zoning Plans Advisory Committee comment submitted by Robert W. Bowling, Chief of the Development Plans Review Division of the Department of Permits & Development Management (DPDM) dated August 9, 1996, a copy of which has been attached hereto and made a part hereof.

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Date

By

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

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Date 10/3/96  
By [Signature]

IN THE MATTER OF \* BEFORE THE  
 THE APPLICATION OF \*  
SALVATORE M. ZUMBO, ET UX \* COUNTY BOARD OF APPEALS  
 FOR AN ADMINISTRATIVE VARIANCE \*  
 ON PROPERTY LOCATED ON THE \* OF  
 SOUTHEAST CORNER PADONIA ROAD \*  
 AND HARTFELL ROAD \* BALTIMORE COUNTY  
 (135 E. PADONIA ROAD)  
 8TH ELECTION DISTRICT \* CASE NO. 97-28-A  
 3RD COUNCILMANIC DISTRICT  
 \* \* \* \* \*

# O P I N I O N

Katherine and James Knapick filed a timely appeal from the Deputy Zoning Commissioner's decision, dated October 3, 1996, granting a variance from Section 1B02.3B of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition. Such a request for variance had been submitted by Mr. and Mrs. Salvatore Zumbo, the owners of the subject property at 135 E. Padonia Road in the Coachford community, Timonium.

The Appellants /Protestants were represented by counsel, Michael P. Tanczyn. The Petitioners, Mr. and Mrs. Zumbo, represented themselves.

Testimony and evidence offered indicate that the subject property consists of .24 acre, more or less, zoned D.R. 3.5, improved with a single-family dwelling and attached one-car garage. The Petitioners have owned and lived at 135 E. Padonia Road for more than 9 years.

Salvatore Zumbo testified as Petitioner that he and his family need additional living space and therefore wish to convert the existing garage for that use and to build an attached two-car

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garage, 24 feet by 28 feet, for their cars and storage. Mr. Zumbo further stated that currently the existing garage must be used for storage because their house has no basement. He and his wife have two children, and they had considered selling the property at 135 E. Padonia Road, but they like the location which is close to his job as a professor at Towson University, and close to the children's schools. Therefore, they settled on a plan to convert the existing garage into an office /den, and build a new garage attached to the southeast corner of the house.

Mr. Zumbo further testified that he spoke with contractors and relatives in the construction business and determined that the only logical place for such an attached garage was the southeast corner, 28 feet toward the Appellants' property and 24 feet from Hartfell Road. The proposed driveway would be constructed next to the Knapick's house off Hartfell Road instead of Padonia Road as now exists.

Mr. Zumbo indicated that his property is unique because it is a corner lot, with the house set at an angle, not parallel, to Padonia Road. He also contended that additions such as he proposed are the "norm" in the Coachford development. As evidence, he submitted a series of photographs showing other additions in the neighborhood.

Further, Mr. Zumbo testified that, if the variance relief requested were not granted, he and his family would be deprived of the use of most of their property because they are boxed in by the fact that there is no other place to build the needed garage. This

fact, he said, poses practical difficulty and unreasonable hardship on the Zumbos as property owners in Baltimore County.

On cross-examination by attorney for the Appellants, Mr. Tanczyn, Mr. Zumbo stated that the house at 135 E. Padonia Road has had no additions previously and is the same as when he purchased it. He also indicated that it is a three-bedroom house; that he and his wife have two children; and that they had two children when they purchased the property.

Mr. Tanczyn also asked if the proposed addition could be placed next to the existing garage, therefore negating the need for a variance. He then added that no one at Baltimore County had told him that, but that a contractor had said that it would be "complicated" to place the addition there. He also replied in answer to Mr. Tanczyn's questions that the house currently has a family room with a door to an outside patio and a fireplace, but that he needed an additional area to do quiet research with space for the computer. Also, the family needed a place to park two cars, plus additional space for storage.

Oscar Keyes testified on his own behalf as a resident of the same community. Mr. Keyes indicated that he is a registered civil engineer who was, before his retirement, employed as a design engineer, as well as assistant director, in the Department of Public Works, all with Baltimore County. Mr. Keyes said that he had testified before the County Board of Appeals and the Circuit Court for Baltimore County as an expert witness in previous cases.

Mr. Keyes said that he had examined the drawings presented by

Mr. Zumbo and made measurements of the subject property himself, as well as examining the 1963 record plat of Coachford. It is Mr. Keyes' opinion as a resident of the area for 29 years that the garage proposal made by the Zumbos is more desirable than what they are permitted to build by right. On questioning by Mr. Tanczyn, Mr. Keyes testified that he is not familiar with the legal standard for variances set forth in Cromwell v. Ward, 102 Md.App. 691 (1995).

Upon completion of Mr. and Mrs. Zumbo's case-in-chief, Mr. Tanczyn, on behalf of the Appellants, moved that the request for variance be denied because the Petitioners had not met the burden of proof as required. Mr. Tanczyn argued that the Petitioners had not shown their property to be any different than any other corner lot in the Coachford development, and by their own evidence had shown several other corner properties with similar characteristics. Furthermore, there is no practical difficulty or unreasonable hardship imposed on the Zumbos by denying the variance inasmuch as they can continue to use the property as it exists and as they purchased it, and they have alternative sites to build a two-car garage if they deem it imperative to have one.

Mr. Zumbo replied that his proposal will not hurt anyone else, including the Knapicks, and that said proposal falls within the spirit and intent of the BCZR.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions, which, in pertinent part in this case, allow a variance where special circumstances or conditions

exist that are peculiar to the land which is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in Cromwell v. Ward, which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case de novo, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered. The Board finds that the subject property at 135 E. Padonia Road is not unique from other properties in the area. There are numerous corner lots within the Coachford community, and the houses on those lots are often placed at an angle.

Although it is not strictly necessary for the Board to consider the request further since the above determination was made, the Board further finds that there is no practical difficulty or unreasonable hardship imposed on the Zumbos through the denial of the variance. Practical difficulty or unreasonable hardship is the second prong for granting of a variance. The Petitioners are not constrained from using their single-family residence as designed, and already enjoy full use of their property. Further, alternatives exist for additions desired beyond the current petition requiring a variance.



For these reasons, the Petition for Variance from Section 1B02.3B of the Baltimore County Zoning Regulations to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition shall be denied.

O R D E R

THEREFORE, IT IS THIS 12th day of June, 1997 by the County Board of Appeals of Baltimore County

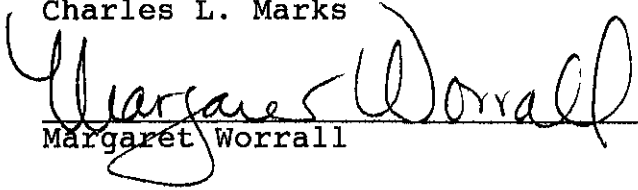
ORDERED that Petitioner's request for variance from Section 1B02.3B of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition be and the same is DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Robert O. Schuetz, Chairman

  
Charles L. Marks

  
Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

June 12, 1997

Michael P. Tanczyn, Esquire  
606 Baltimore Avenue  
Suite 106  
Towson, MD 21204

RE: Case No. 97-28-A  
Salvatore M. Zumbo, et ux

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Charlotte E. Radcliffe for*  
Kathleen C. Bianco  
Administrator

Enclosure

cc: Mr. and Mrs. James Knapick  
Mr. and Mrs. Salvatore Zumbo  
People's Counsel for Baltimore County  
Pat Keller /Planning Director  
Lawrence E. Schmidt, Zoning Commissioner  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: August 9, 1996

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for August 12, 1996  
Item No. 029

The Development Plans Review Division has reviewed the subject zoning item. The center line of an existing 10-foot wide utility easement runs down the property line between house #135 E. Padonia Road and 2428 Hartfell Road. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

The variance for a 14-foot rear yard setback is acceptable to this department.

Also, prior to removal of any existing curb for driveway entrances, the owner shall obtain a permit from the Department of Permits & Development Management.

The proposed driveway entrance shall be built per the Department of Public Works' Std. Plat R-15A.

RWB:HJO:jrb

cc: File

ZONE21A

ORDER RECEIVED FOR FILING  
Date 10/3/96  
By [Signature]

NOT RECORDED



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 3, 1996

Mr. & Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
SE/Corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)  
8th Election District - 3rd Councilmanic District  
Salvatore M. Zumbo, et ux - Petitioners  
Case No. 97-28-A

Dear Mr. & Mrs. Zumbo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. James Knapick  
2428 Hartfell Road, Timonium, Md. 21093

People's Counsel

File



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at \*

97-28-A

135 E. PADONIA RD

which is presently zoned DR-3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1302.3.B. (208.4, R.10) to permit a 14 ft. rear yard in lieu of 30 ft. and a 34 ft side street setback in lieu of 35 ft.

x of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. IRREGULAR SHAPE OF LOT - CORNER LOT.
2. ONLY FEASIBLE POSITION FOR GARAGE (BASED ON FLOORPLAN).
3. NO BASEMENT. NEED MORE SQUARE FOOTAGE FOR DWELLING
4. DID NOT WANT TO POSITION GARAGE NEAR STREET R/W.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

x

SALVATORE M. ZUMBO

(Type or Print Name)

x

Signature

(Type or Print Name)

Signature

x

135 E. PADONIA RD. (H) 560-3148 (W) 830-2881

Address

Phone No

x

TIMONIUM MD 21093

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: 796

DATE: 7/23/95

ESTIMATED POSTING DATE: 8/4/96

Printed with Soybean Ink  
on Recycled Paper

ITEM #: 29

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 135 E. PADONIA RD  
address

TIMONIUM MD 21093  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

SEE OTHER SIDE

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Catherine S. Zumbo  
(signature)  
Catherine S. Zumbo  
(type or print name)



Salvatore M. Zumbo  
(signature)  
SALVATORE M. ZUMBO  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of July, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Salvatore and Catherine Zumbo

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

July 19, 1996  
date

Michael Fraine  
NOTARY PUBLIC

My Commission Expires:

MICHAEL FRANE  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires July 9, 1997

97-28-A

Beginning on the south side of East Padonin Road,  
60 feet wide, at the distance of 30 feet west of the  
centerline of Hartfell Road. Being Lot 21 of Section  
One of the Coachtford subdivision, Plat Book 29,  
folio 99. Also known as 135 East Padonin Road  
containing .24 acres in the 8<sup>th</sup> Election District.

# 29

Former Closing Date: 8/19/96

CASE NUMBER: 97-28-A (Item 29)

135 E. Padonia Road

corner S/S of E. Padonia Road and W/S Hartfell Road

8th Election District - 3rd Councilmanic

Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Post by 9/25/96



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

91-28-H

District 828

Posted for Veronica

Date of Posting 8/2/94

Petitioner Selleiro & Callender, Inc.

Location of property 135 E. Robinson St.

Location of Sign Facing road on property being zoned

Remarks:

Posted by

M. Kelly  
Signature

Date of return 8/19/94

Number of Signs: 1

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County is hereby giving notice that a public hearing on the proposed rezoning of the property located in Room 106 of the County Office Building, 111 W. Crosspike Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-28-A  
(Item 29)

135 E. Padonia Road, corner S.S. of E. Padonia Road and W/S Huntley Road, 8th Election District, 3rd Councilmanic District

Salvatore M. Zumbo and Catherine S. Zumbo

Permittee to permit a 14 foot rear yard to less of 30 feet and a 34 foot side street setback in less of 55 feet.

Hearing: Wednesday, September 25, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHINDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are handicapped accessible for special accommodations. Please Call 887-3353.

(2) For information concerning the file and/or hearing, please call 887-3391.

9/28/96 August 23

CR6316

# **CERTIFICATE OF PUBLICATION**

TOWSON, MD., 8/29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/29, 1996.

THE JEFFERSONIAN,  
*A. H. Erickson*  
LEGAL AD. - TOWSON



Baltimore County  
Department of Permits and  
Development Management

# 29  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

97-28-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 29 Petitioner: Salvatore M. Zumbo

Location: 135 E. Padonia Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Salvatore M. Zumbo

ADDRESS: 135 E. Padonia Road

Timonium, MD 21093

PHONE NUMBER: 560-3148



# CERTIFICATE OF POSTING

RE: Case No.: 97-28 A

Petitioner/Developer: \_\_\_\_\_

Date of Hearing/Closing: \_\_\_\_\_

Baltimore County ~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
111 West ~~\_\_\_\_\_~~ Avenue  
~~\_\_\_\_\_~~

## BOARD OF APPEALS

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 135 E. Padonia Rd

The sign(s) were posted on \_\_\_\_\_

12/20/96  
(Month, Day, Year)

Sincerely,

[Signature]  
(Signature of Sign Poster and Date)

Gary M Bennett #7282

(Printed Name)

Code Inspector  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

1-17-97  
T/C FROM Mr. Zumbo  
SIGN BROKE OFF DUE TO  
HEAVY WINDS  
LEFT VM MESSAGE TO  
INSPECTOR TO REPOST -  
Chor

2-7-97 - "SIGN STILL  
NOT UP - per MRS Zumbo."  
T/c to G.B. (VM)

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No 029801

DATE 10/1/96 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: James Knappick

FOR: Appeal + Sign # 97-28-A

03A91H0156MICHRE \$210.00  
BA COLL:SIAM11-01-96

MICROFILMED

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 150279

DATE 5-16-96 ACCOUNT R-001-6150

AMOUNT \$ 40.00

RECEIVED FROM: J. Knappick

FOR: Revised for Use

Case 97-28-A # 29

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER  
MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 2, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before August 4, 1996. The closing date (August 19, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Salvatore and Catherine Zumbo

# REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 97-28-A  
Petitioner(s): S. Zumbo  
Location: 135 E. PADONIA Rd.

\*\*\*\*\*

I/WE, James J. Knapick  
Name(s) (TYPE OR PRINT)

(X) Legal Owners ( ) Residents, of

2428 Hartfell Rd.  
Address

Timonium, MD 21093-2555 252-7251  
City/State/Zip Code Phone

which is located approximately 14 feet from the  
property which is the subject of the above petition, do hereby formally  
request that a public hearing be set in this matter.

James J. Knapick 8/16/96  
Signature Date

\_\_\_\_\_  
Signature Date

TO: PUTKENT PUBLISHING COMPANY

September 5, 1996 Issue - Jeffersonian

Please forward billing to:

Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium MD 21093  
560-3181

---

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 27, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Salvatore and Catherine Zumbo  
James J. Knapick

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECEIVED



DIRECTOR

A handwritten signature in black ink, appearing to read "J. A. [unclear]", is written over the word "DIRECTOR".

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

BUILDINGS ENGINEER

A handwritten signature in black ink, appearing to read "John R. [unclear]", is written over the words "BUILDINGS ENGINEER".



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

March 17, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-28-A

IN THE MATTER OF: SALVATORE M. ZUMBO, ET UX  
SE/cor Padonia Road and Hartfell Road  
(135 E. Padonia Road) 8th E; 3rd C Districts

(Grant of Variance /rear yard setback and side  
street setback /for proposed garage addition)

ASSIGNED FOR: THURSDAY, MAY 1, 1997 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should  
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said  
requests must be in writing and in compliance with Rule 2(b) of the  
Board's Rules. No postponements will be granted within 15 days of  
scheduled hearing date unless in full compliance with Rule 2(c). For  
further information, see Board's Rules of Practice & Procedure,  
Appendix C, Baltimore County Code.

Kathleen C. Bianco  
Legal Administrator

cc: Appellants /Protestants: Mr. and Mrs. James Knapick

Petitioners : Mr. and Mrs. Salvatore Zumbo

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt

Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty



Case No. 97-28-A

Salvatore M. Zumbo, et ux - Petitioners

SE/corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)

8th Election District

Appealed: 11/1/96

(see attached vicinity map)



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 12, 1996

Mr. and Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Item No.: 29  
Case No.: 97-28-A  
Petitioner: Salvatore Zumbo, et ux

Dear Mr. and Mrs. Zumbo:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 23, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that contains the same name.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)



JOB TITLE: WHITEMARSH COMMERCE CENTER ROOF SYSTEM #5

PIPE DATA (cont'd)

PIPE TAG	END	ELEV.	NOZ.	PT	DISC.	Q(GPM)	DIA(IN)	LENGTH	PRESS.
NODES	(FT)	(K)	(PSI)	(GPM)	VEL(FPS)	HW(C)	(FT)	SUM.	
						F.L./FT		(PSI)	
Pipe: 66					216.0	4.260	PL	10.00	PF 0.1
58	100.5	0.0	132.8	0.0	4.9	120	FTG	----	PE 0.0
54	100.5	0.0	132.6	0.0		0.012	TL	10.00	PV 0.2
Pipe: 67					-143.8	6.357	PL	10.00	PF 0.0
59	100.5	0.0	146.5	0.0	1.5	120	FTG	----	PE 0.0
55	100.5	0.0	146.5	0.0		0.001	TL	10.00	PV 0.0
Pipe: 68					71.9	2.581	PL	1.50	PF 0.2
59	100.5	0.0	146.5	0.0	4.4	120	FTG	T	PE 0.6
60	102.0	0.0	145.7	0.0		0.017	TL	13.50	PV 0.1
Pipe: 69					71.9	2.154	PL	297.00	PF 13.2
60	102.0	0.0	145.7	0.0	6.3	120	FTG	2T	PE 0.0
61	102.0	0.0	132.4	0.0		0.042	TL	317.00	PV 0.3
Pipe: 70					71.9	2.581	PL	1.50	PF 0.2
61	102.0	0.0	132.4	0.0	4.4	120	FTG	T	PE 0.6
62	100.5	0.0	132.8	0.0		0.017	TL	13.50	PV 0.1
Pipe: 71					143.8	4.260	PL	10.00	PF 0.1
62	100.5	0.0	132.8	0.0	3.2	120	FTG	----	PE 0.0
58	100.5	0.0	132.8	0.0		0.005	TL	10.00	PV 0.1
Pipe: 72					-71.9	6.357	PL	10.00	PF 0.0
63	100.5	0.0	146.5	0.0	0.7	120	FTG	----	PE 0.0
59	100.5	0.0	146.5	0.0		0.000	TL	10.00	PV 0.0
Pipe: 73					71.9	2.581	PL	1.50	PF 0.2
63	100.5	0.0	146.5	0.0	4.4	120	FTG	T	PE 0.6
64	102.0	0.0	145.6	0.0		0.017	TL	13.50	PV 0.1
Pipe: 74					71.9	2.154	PL	297.00	PF 13.2
64	102.0	0.0	145.6	0.0	6.3	120	FTG	2T	PE 0.0
65	102.0	0.0	132.4	0.0		0.042	TL	317.00	PV 0.3
Pipe: 75					71.9	2.581	PL	1.50	PF 0.2
65	102.0	0.0	132.4	0.0	4.4	120	FTG	T	PE 0.6
66	100.5	0.0	132.8	0.0		0.017	TL	13.50	PV 0.1
Pipe: 76					71.9	4.260	PL	10.00	PF 0.0
66	100.5	0.0	132.8	0.0	1.6	120	FTG	----	PE 0.0
62	100.5	0.0	132.8	0.0		0.002	TL	10.00	PV 0.0
Pipe: 77					-1461.2	6.357	PL	177.00	PF 11.7
45	100.5	0.0	146.7	0.0	14.8	120	FTG	3E	PE 1.9
TR	96.0	0.0	160.4	0.0		0.056	TL	207.00	PV 1.5
Pipe: 78					-1461.2	8.249	PL	23.00	PF 0.4
TR	96.0	0.0	160.4	0.0	8.8	120	FTG	----	PE 10.0
TV	73.0	0.0	170.7	0.0		0.016	TL	23.00	PV 0.5

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)887-4880

DATE: 08/07/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 05, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 26, 27, 28, 29, 30, 31, 32, 34,  
35, 36, 37, 38, 39 AND 41.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**BALTIMORE COUNTY, MARYLAND**  
**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT**  
**TOWSON, MARYLAND 21204**

*[Signature]*  
DIRECTOR

*[Signature]*  
BUILDINGS ENGINEER



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Aug 8, 96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: Aug 5, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: # 26  
27  
(29)  
30  
31  
32  
34  
36  
37  
40  
41  
42

RBS:sp

BRUCE2/DEPRM/TXTSBP



DIRECTOR

A handwritten signature in black ink, appearing to read "J. J. [unclear]", is written over the word "DIRECTOR".

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

BUILDINGS ENGINEER

A handwritten signature in black ink, appearing to read "John R. [unclear]", is written over the words "BUILDINGS ENGINEER".



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

8-5-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

Baltimore County  
Item No. 029 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: August 1, 1996

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 18, 26, (29), 31, 32, 34, 35, 36, 37, 39, 40, 41, and 42

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Barry L. Lewis*

PK/JL

### Special Provisions - Section 3

2. All construction personnel are required to conform to the safety requirements posted or dictated by the County or State Highway Administration in writing. To the fullest extent permitted by the law, the Contractor shall indemnify and hold harmless the County and the State Highway Administration and their agents and employees from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from negligence by an employee of the Contractor, any Subcontractor, or anyone directly or indirectly employed or acting on behalf of any of them.

3. The Contractor shall try to minimize interference with the operation of existing utilities.

### #31 CONCURRENT CONSTRUCTION ACTIVITIES BY OTHERS

A. The Contractor is advised that construction of other contracts may be in progress at the same time that this Contract is under construction. The Contractor shall schedule his work so as to minimize conflict or interference with these other contracts.

B. The Contractor shall conduct his operations so as not to interfere with or injure the work of other contractors or workmen performing work for the County or State Highway Administration. The Contractor shall promptly make good, at his own expense, any injury or damage which may be done to such work by him or his employees, agents or sub-contractors.

C. The Contractor shall suspend such part of the work, or shall carry on the same in such a manner as may be ordered by the Engineer when necessary to facilitate the work of such other contractors.

D. Any difference which may arise between the Contractor and any other contractors or workmen of the County or the State Highway Administration in regard to their work shall be determined and adjusted by the County insofar as the County has authority.

E. The Contractor shall not be entitled to any extra compensation or damages as a result of delays or hindrances which may be caused by the work of such contractors or the County's or the State Highway Administration's workmen.

F. Information available to the County or the State Highway Administration relative to schedules of activities of other contractors will be available to the Contractor by the Engineer upon request.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: August 9, 1996

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for August 12, 1996  
Item No. 029

The Development Plans Review Division has reviewed the subject zoning item. The center line of an existing 10-foot wide utility easement runs down the property line between house #135 E. Padonia Road and 2428 Hartfell Road. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

The variance for a 14-foot rear yard setback is acceptable to this department.

Also, prior to removal of any existing curb for driveway entrances, the owner shall obtain a permit from the Department of Permits & Development Management.

The proposed driveway entrance shall be built per the Department of Public Works' Std. Plat R-15A.

RWB:HJO:jrb

cc: File

# Ordering Information



When placing an order, indicate the full product name. Specify the quantity, model, style, office size, temperature rating, type of finish, escutcheon plate finish, and sprinkler wrench.

For special painted escutcheon finishes, the customer must provide paint in a quick-drying or lacquer base finish to insure proper color duplication. Without such a guide, Central Sprinkler Company cannot be responsible for acceptable color matching.

**Availability and Service:** Central sprinklers, valves, accessories, and other products are available throughout the U.S. and Canada, and internationally, through a network of Central Sprinkler distribution centers. You may write directly to Central Sprinkler Company or call 215-362-0700 for the distributor nearest you.

## Conversion Table:

1 inch = 25.400 mm  
1 foot = 0.3048 M  
1 pound = 0.4536 kg  
1 foot pound = 1.36 Nm  
1 psi = 6.895 Kpa  
= 0.0689 bar  
= 0.0703 kg/cm<sup>2</sup>  
1 U.S. gallon = 3.785 dm<sup>3</sup>  
= 3.785 liters

Conversions are approximate.



**Central Sprinkler Company**  
451 N. Cannon Avenue, Lansdale, PA 19446  
Phone (215) 362-0700  
FAX (215) 362-5385

HEC-12.2

Because the discharge pattern is critical to protection of life and property, nothing should be hung or attached to the sprinkler unit that would disrupt the pattern. Such obstructions must be removed. In the event that construction has altered the original configuration, additional sprinklers may need to be installed to maintain the protection level.

Do not attempt to replace sprinklers without first removing the fire protection system from service. Be certain to secure permission from all authorities having jurisdiction and notify all personnel who may be affected during system shutdown. A fire watch during maintenance periods is a recommended precaution.

To remove the system from service mode, first refer to the system operating guide and valve instructions. Drain water and relieve pressure in the pipes. Remove the existing unit and install the replacement, using only the recommended sprinkler wrench. Be certain to match model, style, office size, and temperature rating.

**Warranty:** Central Sprinkler Company will repair and/or replace any product found to be defective in material or workmanship within a period of one year from date of shipment. Please refer to the current Price List for further details of the warranty.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 1996

Mr. and Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Petition for  
Administrative Variance  
SE/corner Padonia Road  
and Hartfell Road  
(135 E. Padonia Road)  
8th Election District  
3rd Councilmanic District  
Salvatore M. Zumbo, et ux  
- Petitioner  
Case No. 97-28-A

Dear Mr. and Mrs. Zumbo:

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 1996 by James and Katherine Knapick. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon", written over a horizontal line.

ARNOLD JABLON  
Director

AJ:rye

c: People's Counsel





APPEAL

Petition for Administrative Variance  
SE/corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)  
8th Election District - 3rd Councilmanic District  
Salvatore M. Zumbo, et ux - Petitioners  
Case No. 97-28-A

Petition for Administrative Variance

Description of Property

Certificate of Posting

No Certificate of Publication Found

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - Plat to Accompany Petition for Zoning  
Variance  
2 - Four Photographs

Objections to Zumbo's Zoning Variance

Letter from Salvatore M. Zumbo to Arnold Jablon dated August 21, 1996

Deputy Zoning Commissioner's Order dated October 3, 1996 (Granted)

Notice of Appeal received on November 1, 1996 from James and  
Katherine Knapick

c: Mr. and Mrs. James Knapick, 2428 Hartfell Road, Timonium, MD 21093  
Mr. and Mrs. Salvatore Zumbo, 135 E. Padonia Rd., Timonium, MD 21093  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

2428 Hartfell Road  
Timonium, MD 21093  
November 1, 1996

Deputy Zoning Commissioner  
Office of Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Petition for Administrative Variance  
Case Number 97-28-A  
135 East Padonia Road

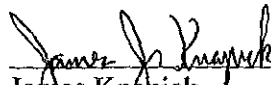
Dear Mr. Deputy Zoning Commissioner:

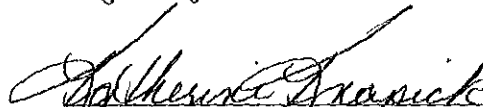
On behalf of the undersigned, please note an Appeal from the Decision of the Deputy Zoning Commissioner dated October 3, 1996 to the County Board of Appeals of Baltimore County.

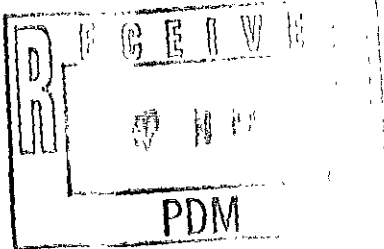
Please keep us advised of any scheduled hearing dates.

Enclosed you will find our check in the amount of \$210.00 made payable to Baltimore County, Maryland for the Appeal filing costs as relayed to us by Ms. Stevens of the Zoning Office.

Very truly yours,

  
James Knapick

  
Katherine Knapick





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

December 2, 1996

Mr. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Case No. 97-28-A  
Salvatore M. Zumbo, et ux -Petitioners

Dear Mr. Zumbo:

The Board is in receipt of your letter of November 29, 1996 in which you request that consideration be given to scheduling your case to an early date on the Board's hearing schedule.

At this time, the Board's docket is scheduled through March of 1997, and, therefore, there are no hearing days open which would permit this matter to be heard earlier than April of 1997. However, in the event another case falls out as the result of postponement, settlement, etc., and a date becomes available, then consideration will be given to granting your request.

Very truly yours,

A handwritten signature in dark ink, reading "Robert O. Schuetz".

Robert O. Schuetz, Chairman  
County Board of Appeals

cc: Mr. & Mrs. James Knapick  
People's Counsel for Baltimore County



**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

---

**IN THE MATTER OF:** Salvatore M. Zumbo, et ux -Petitioners  
Case No. 97-28-A

**DATE** : May 1, 1997 / deliberation on Protestants'  
Motion to Deny brought at conclusion  
of Petitioners' case-in-chief

**BOARD /PANEL** : Robert O. Schuetz, Chairman (KKH)  
Charles L. Marks (CLM)  
Margaret Worrall (MW)

**SECRETARY** : Kathleen C. Bianco  
Legal Administrator

**ROS:** For the benefit of the folks who are not accustomed to proceedings before the Board, what we have before us currently is Motion to Deny Petition for Variance being brought by Protestants' counsel, Mr. Tanczyn, on the conclusion of the Petitioners' case-in-chief.

The Board's Legal Administrator is going to keep minutes of this part of the proceeding. This is not part of the record. Something called the open meetings law, or sunshine law, in Maryland imposes the requirement that a deliberative process, such as this afternoon, must be done in open session so the public has the opportunity to review the process. It's not part of the record because it is nothing which is participatory in nature. It's a session between the Board members to which you are invited.

Having said that, the Board's Legal Administrator will be keeping minutes so as to indicate compliance with the open meetings law.

I'm going to go first. I think this is a very difficult situation. And the situation comes to us because of the nature of what happens before it gets to the Board of Appeals. Hearing is de novo at this level because presumably two heads are better than one; you need to have a pair of eyes reviewed by another body -- that body needs an extra body.

What happens before the Zoning Commissioner -- sometimes the question is "what is the right thing to do." Variances are granted because sometimes variances are the right thing to do. When it gets here because someone is aggrieved, and they have a legal reason to object to what is proposed, this Board has very little opportunity, if any, to consider merits of what is the right thing to do versus what is the legal thing to do.

I indicated to you that I am not an attorney nor are my colleagues, but despite that, the Board, in its experience as panel members as well as participants in prior life before coming to the Board, may have had exposure to the differences. I agree with you that what is proposed is preferable to what

you were talking about in the line of Mr. Keys' testimony. But the zoning regulation draws distinctions between what is legally allowed attached garage. Why it does that is not for the Board to say. The County Council enacts regulations and statutes, and the Board is left with the task of interpreting regulations and statutes where issues are debatable in the light of the law.

Having said all that, and having provided the opportunity to address the issue of uniqueness as a pro se litigant in this case, and my attempt to provide some guidance as to how the case had to proceed for uniqueness, and practical difficulty and unreasonable hardship, and granting a variance would be in the spirit and intent of the zoning regulations, I have to side with Mr. Tanczyn in his characterization that the property is not unique. I do not find the property unique. So Cromwell says we stop right there. I agree that what you propose is preferable to a detached garage, but in light of the law, I have to say it is not legal.

Assuming, in arguendo, that the property is unique, then practical difficulty and unreasonable hardship come into question, and, again, we have the issue of whether or not you already enjoy full use of the property. On the stand, you indicated that at the time of purchase, you had two children. You still have two children. You enjoy the property as at the time of purchase, so the question of unreasonable hardship is not met.

The question of practical difficulty is also addressed by the fact that it is entirely possible, maybe not probable, but entirely possible that relief is not the minimum relief necessary, and that you could potentially build a garage adjacent to where you currently have a garage, and there is certainly nothing stopping anyone from going vertical on a one-story building.

There's nothing to support an argument for practical difficulty or unreasonable hardship.

But assuming, in arguendo, that you met those tests -- is it within the spirit and intent of the zoning regulations? I don't see where, because you have had full use of the property. The spirit and intent of the zoning regulations is to foster development and foster development in such a fashion not impacting upon other, in a fashion which is consistent with the zoning classification. We do not have that here either.

I apologize if it sounds as though I am being terse, but I have a narrow view of what is being considered, and that is the tests prescribed in what Cromwell and the tests themselves indicated in 307.1 of the BCZR. And so I don't know if I have

said enough or too much, but I tried to allow you to put on your case, more than that for pro se litigant. But for all the reasons, I would grant the Motion to deny Petition for Variance.

CLM: Normally when I chair a case like this, and such a Motion is made that, according to the law, there is not enough documentation to support the Petitioner's case, I normally would deny those motions, preferring to hear both sides and viewpoints, and read in greater depth my notes and the evidence produced at hearing. This case is a little different -- as I have sat here for almost 3 hours taking notes and listening to testimony and evidence, I find it compelling that the Petitioner, while presenting a fine case, even an attorney could not have presented it more convincingly, has not met the burden upon the Petitioner according to the law that we could grant the variance.

At one time in Baltimore County, variances were easily granted. But the law, as it has progressed, has changed dramatically. And while it is true that the Deputy Zoning Commissioner or Zoning Commissioner may see things differently than this Board, this Board is constrained to look at the evidence and testimony, and examine in the light that if the decision is appealed to the Circuit Court, then what we decide will be scrutinized by a judge at a higher level.

Guidelines include the laws of Baltimore County, but we are also guided by the law which comes down from the Court of Special Appeals and the Court of Appeals - the laws of the State. It's not a question of what we would like to do but what the Court directs us to do. Cromwell v. Ward, which I have read many, many times -- I may not necessarily agree with the total decision, but is the law of the State; imposed upon us and Circuit Court judges -- variances are to be granted minimally in Baltimore County and throughout the whole State.

The conditions to be met are first the uniqueness or unusual test -- unless proven to be unique or unusual -- question of size, shape, historical content, topography -- that runs with the land, then the zoning authority cannot grant the variance. While I think the Petitioner has presented convincing case, I do not believe the standards imposed on us prove unusual or unique. It's not different from other corner properties in the community.

Having not met that burden, we are not constrained to go any further. If we were to move into that issue - the house was purchased in 1989, and there was the same family situation as the present time. You get what you buy. When purchasing property, one should realize it may not be adequate for future needs. Testimony produced that the present driveway is not used because of storage. That was condition of property when

purchased.

The evidence and testimony does not support granting of variance by Baltimore County statute and the guidelines set forth. I would deny the variance.

MW: I would absolutely concur with my colleagues for the very same reasons. Lots of reasons and circumstances by which they were given in the past, and that was the reason why the higher courts set forth a clear standard by which variances may be granted. As Mr. Marks said, only under certain circumstances -- circumstances under which we must judge the quality of uniqueness, and I agree that certainly what the Petitioners said in attempting to prove that case was germane to what they wish to do, but as everyone seemed to agree, there are numerous other corner lots in the same configuration.

Therefore, this lot is really not at all unique. And once we are to that point, by Cromwell v. Ward we need go no further. If we were, for the sake of argument, I think whether or not the Petitioners would like to choose from the other options that may be permitted to do, that I would agree with my colleagues that the request for variance must be denied.

ROS: Before we adjourn, I wanted to mention one or two other issues. As my colleague, Mr. Marks, indicated, in the past variances had been granted more freely than they are these days, and a lot of it is the result of Cromwell v. Ward - and the strict nature of the opinion that the Court provided. And as Mr. Marks indicated, we may not agree just how strict it has to be, but we concur that the variance must be viewed as resting with the land as opposed to a special exception, which is essentially permission to obtain a use. And a variance necessitated by a personal need is essentially, in the eyes of the Court, something which is simply not allowed. Why? Because a variance does go with the land. The variance will still be there, even when you are not.

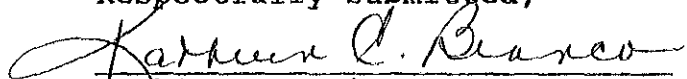
Time may change things, but this Board has nowhere to move on the interpretation as set down by the Court.

Having said all that, we can, concurring, set forth a written opinion and order. Any Petition for Judicial Review comes from that date and not today's date.

Thank you very much.

\* \* \* \* \*

Respectfully submitted, ,

  
Kathleen C. Bianco  
Legal Administrator

Case No. 97-28-A

VAR -To permit a rear yard setback of 14' in lieu of required 30'; and side street setback of 34' in lieu of required 35' for proposed garage addition.

10/03/96 -Deputy Zoning Commissioner's Order in which Petition for Variances was GRANTED.

---

12/02/96 -Letter dated 11/29/96 from Mr. Zumbo requesting consideration of earlier hearing date for 97-28-A, other than the anticipated April 1997.

- Letter to Mr. Zumbo from ROS; no earlier dates available at this time; should another case fall out, consideration will be given to putting this matter in its place.

---

3/17/97 -Notice of Assignment for hearing scheduled for Thursday, May 1, 1997 at 1:00 p.m. sent to following:

Mr. and Mrs. James Knapick  
Mr. and Mrs. Salvatore Zumbo  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt

Arnold Jablon, Director /PDM  
Virginia W. Barnhart, Co Atty

---

5/01/97 -Hearing convened; Motion to deny petition for variance brought by counsel for protestants (M. Tanczyn) in conclusion of Petitioners' case-in-chief.


- CBA publicly deliberated Motion; granted same; Petition for Variance denied; Petitioners did not meet burden. Written Opinion/Order to be issued; appellate period to run from date of written Order. (R.C.W.)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: November 18, 1997  
Permits & Development Management

FROM: Charlotte E. Radcliffe   
County Board of Appeals

SUBJECT: Closed File: Case No. 97-28-A  
                                 SALVATORE M. ZUMBO, ET UX  
                                 8th E; 3rd C

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-28-A w/ 5 large exhibits)

Law Offices  
**MICHAEL P. TANCZYN, P.A.**

Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204  
(410) 296-8823 - (410) 296-8824  
Fax: (410) 296-8827  
Computer Fax: (410) 296-2848

May 1, 1997

County Board of Appeals  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, MD 21204

**Hand Delivered**

Re: Petition for Administrative Variance  
Case Number 97-28-A  
135 East Padonia Road

Gentlemen:

Please enter my appearance on behalf of the Protestants, James Knapick and Katherine Knapick, in the above matter.

Very truly yours,

  
Michael P. Tanczyn

MPT/ed

cc: Mr. & Mrs. Salvatore Zumbo - Hand Delivered  
Mr. & Mrs. James Knapick

RECEIVED  
COUNTY BOARD OF APPEALS  
97 APR 31 PM 12:40

### OBJECTIONS TO ZUMBO'S ZONING VARIANCE

1. No survey of the property has been performed to establish the building lines. Site plan only. We do not agree on Mr Zumbo's measurements and where it will place the garage in relationship to the boundry line. We think it could be less than 14 feet from the property line when a proper survey is performed.
2. This addition is unprecedented for the neighborhood. There is no other corner property in the Coachford or Springlake neighborhood where such a large two-car garage structure has been added or any two car garages added to any home with an existing garage in the neighborhood. This size and placement of this two-car garage is inappropriate to the site and the neighborhood.
3. Will create additional noise. Will put the garage and noise of people and cars 14 feet from the property line. Our young children's bedrooms will face this garage and they will be subjected to the additional noise of cars starting, car doors closing, garage doors opening and closing and people talking getting in and out of cars. Also the probability of the Zumbo's basketball hoop being relocated to the driveway and their older boys playing basketball in the evening hours as our children try to sleep.
4. Will create additional traffic. Obviously it's two more cars that will start and stop their journey on our street along with any visitors.
5. A very real potential traffic hazzard. We already have difficulty backing out at times because of our driveway's close proximity to the corner of Padonia Road. Cars speed around the corner from both directions of Padonia Road and we have had a few close calls. With this new driveway, the cars backing our of it will have even less time to react to a car coming around the corner. Also the garage itself and any cars parked in the driveway will impare our line of sight and make it even more dangerous for us to exit our driveway.
6. We bought into this neighborhood because it was an older, established neighborhood with large lots and larger spacing between homes. It's not like the newer developments where the homes are built on top of each other. This large addition puts the building approximately 14 feet from our property line not the 30-foot set-back we thought we were protected by from the zoning laws. This addition also obstructs our view for pleasure and takes away the "openness" feeling we presently enjoy which was one reason we purchased this home. This additional will also be visable from all parts of our backyard and patio.

OBJECTIONS TO ZUMBO'S ZONING VARIANCE

Page 2

7. We are concerned about additonal flood lighting that will light the children's bedrooms in the evenings, especially if the Zumbo's boys are playing basketball in the evenings.
8. As the addition will be a garage, flamable materials will be stored in it; lawn mower, gas, paints, etc. Do the plans call for a two-hour fire wall as will be closer than the permitted 30-foot setback.
9. Concerned that their trash and recyclables will be stored outside the garage facing our property line and the smell of trash and grass clippings will be unpleasant during the summer months.

96-4666  
(and copy)  
August 21, 1996

Arnold Jablon  
Director of PDM  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case Number: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia and W/S Hartfell Rd.  
8th Election District- 3rd Councilmanic  
Legal Owner(s): Salvatore M. and Catherine S. Zumbo

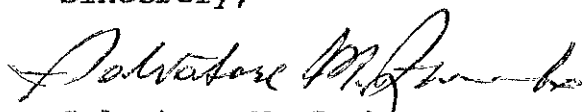
Dear Director Jablon:

When I called your department on August 19, 1996, I was informed that one person filed a request for a public hearing with respect to the administrative variance I petitioned for in the above case number.

Since I did not anticipate the complaint, and the additional time needed for the public hearing process, I now find myself under increasing time and monetary pressure brought about by the postponement. I would appreciate it very much if you would consider scheduling my case for an early hearing.

Please accept my gratitude for your consideration.

Sincerely,

  
Salvatore M. Zumbo

AUG 6 1996

96-4666

(3)

8/23/96  
8  
30 68

August 21, 1996

Arnold Jablon  
Director of PDM  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case Number: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia and W/S Hartfell Rd.  
8th Election District- 3rd Councilmanic  
Legal Owner(s): Salvatore M. and Catherine S. Zumbo

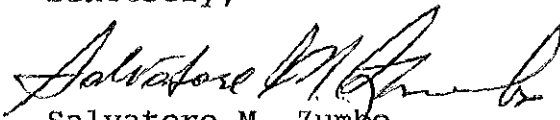
Dear Director Jablon:

When I called your department on August 19, 1996, I was informed that one person filed a request for a public hearing with respect to the administrative variance I petitioned for in the above case number.

Since I did not anticipate the complaint, and the additional time needed for the public hearing process, I now find myself under increasing time and monetary pressure brought about by the postponement. I would appreciate it very much if you would consider scheduling my case for an early hearing.

Please accept my gratitude for your consideration.

Sincerely,

  
Salvatore M. Zumbo

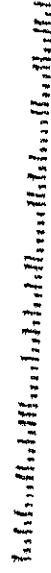
223

ZUMBO  
135 E. PADONIA RD  
TIMONILM, MD 21093



ARNOLD JABLON  
DIRECTOR OF PDM  
COUNTY OFFICE BUILDING  
111 WEST CHESAPEAKE AVE  
TOWSON, MD 21204

21204/0813



November 29, 1996

Robert O Schuetz, Chairman  
Baltimore County Board of Appeals  
400 Washington Avenue Room # 49  
Towson, Maryland 21204

Re: Case Number: 97-28-A  
Petition for  
Administrative Variance  
135 E. Padonia Road  
corner S/S of E. Padonia and W/S Hartfell Rd.  
8th Election District- 3rd Councilmanic District  
Legal Owner(s): Salvatore M. and Catherine S. Zumbo

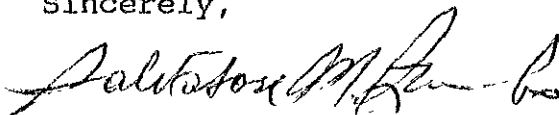
Dear Chairman Schuetz:

On November 9, 1996, I received a letter (dated Nov. 6, 1996) from Arnold Jablon, Director of PDM, informing me that an appeal of the above-referenced case was filed in his Office on November 1, 1996, by James and Katherine Knapick, and that all materials pertaining to the case have been forwarded to the Baltimore County Board of Appeals. I subsequently called your Office to find out the date of the appeal, and to my surprise, I was informed that the earliest possible date for the appeal would not occur until the end of March or early April of 1997.

Since I did not anticipate the appeal, and the additional time needed for the process, I have now lost my builder, and find myself under increasing time and monetary pressure brought about by the unexpected postponement. I would appreciate it very much if you would consider scheduling my case for an earlier date than the above-mentioned time frame projected by your Office.

Please accept my gratitude and thanks for your consideration in this matter.

Sincerely,

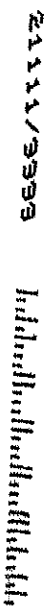


Salvatore M. Zumbo



Salt Catty Zumbo  
135 E. Padova Rd.  
Tempequa, MD 21098

A circular postmark from Baltimore, MD, dated Nov 29, 1956, PM. The text "BALTIMORE, MD 212" is curved along the top and right edges, "PM" is in the center, and "29 NOV 1956" is curved along the bottom edge.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Cathy Zumbo

SALVATORE ZUMBO

OSCAR M KEYS JR

Juan C. Alonio

135 E. Padonia Rd.

135 E. PADONIA RD

131 E. PADONIA RD

133 E. Padonia Rd



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

James Knapick

ADDRESS

2428 Hartell Rd. Timonium.



# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 135 E. Padonia Rd

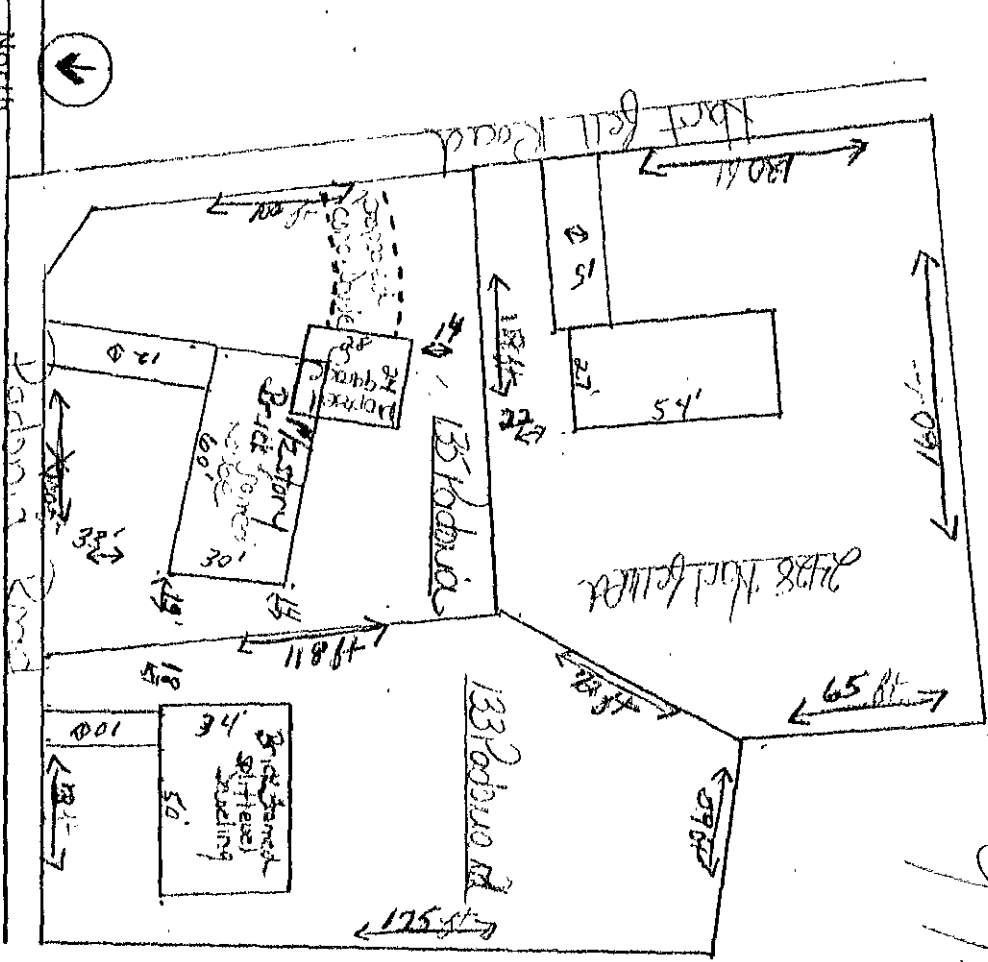
Subdivision name: Concord

plat book# 29, folio# 90, lot# 21, section# ONE

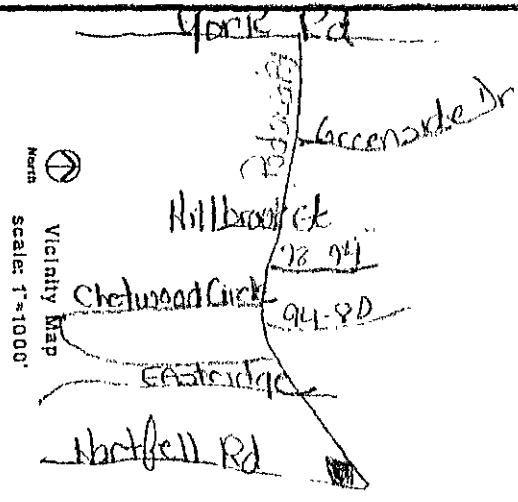
OWNER: Salvatore & Catherine Russo

see pages 5 & 6 of the CHECKLIST for additional required information

97-28-A



I.D. only



## LOCATION INFORMATION

Election District: 65

Councilmanic District: III

1"=200' scale map: NW15A

Zoning: DR 3.5

Lot size: 0.24 12,100 square feet

SEWER: ☒ PUBLIC ☐ PRIVATE  
WATER: ☒ PUBLIC ☐ PRIVATE

Chesapeake Bay Critical Area: ☐ YES ☒ NO

Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

North  
date: 7/25  
prepared by: Doug Peterson Scale of Drawing: 1"= 50'

Prot. # 6

97-28-A



Neighborhood  
house on  
Hartford



Area of yard  
where garage  
was located  
deleted

DEFENDANT'S  
EXHIBIT 2 A

97-28-A-

near spot  
where game  
is to be  
credited

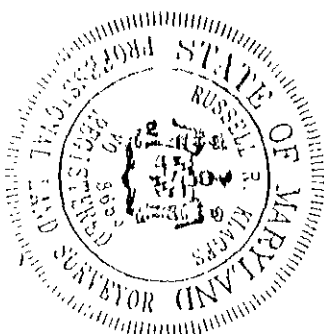
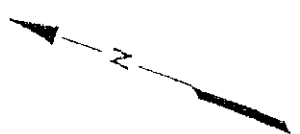


near spot  
where game  
is to be  
credited.



Pet. # 2 B

Portners # 4



I HEREBY CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS ON THE PROPERTY KNOWN AS  
 133 PADONIA ROAD - BALTIMORE, MARYLAND 21063  
 Baltimore County, Maryland  
 AND THE IMPROVEMENTS ARE LOCATED AS SHOWN.  
 THIS PLAT IS NOT TO BE USED FOR THE PURPOSE OF ESTABLISHING PROPERTY LINES.

*Handwritten:* 7/20/89

HARTFELL

ROAD

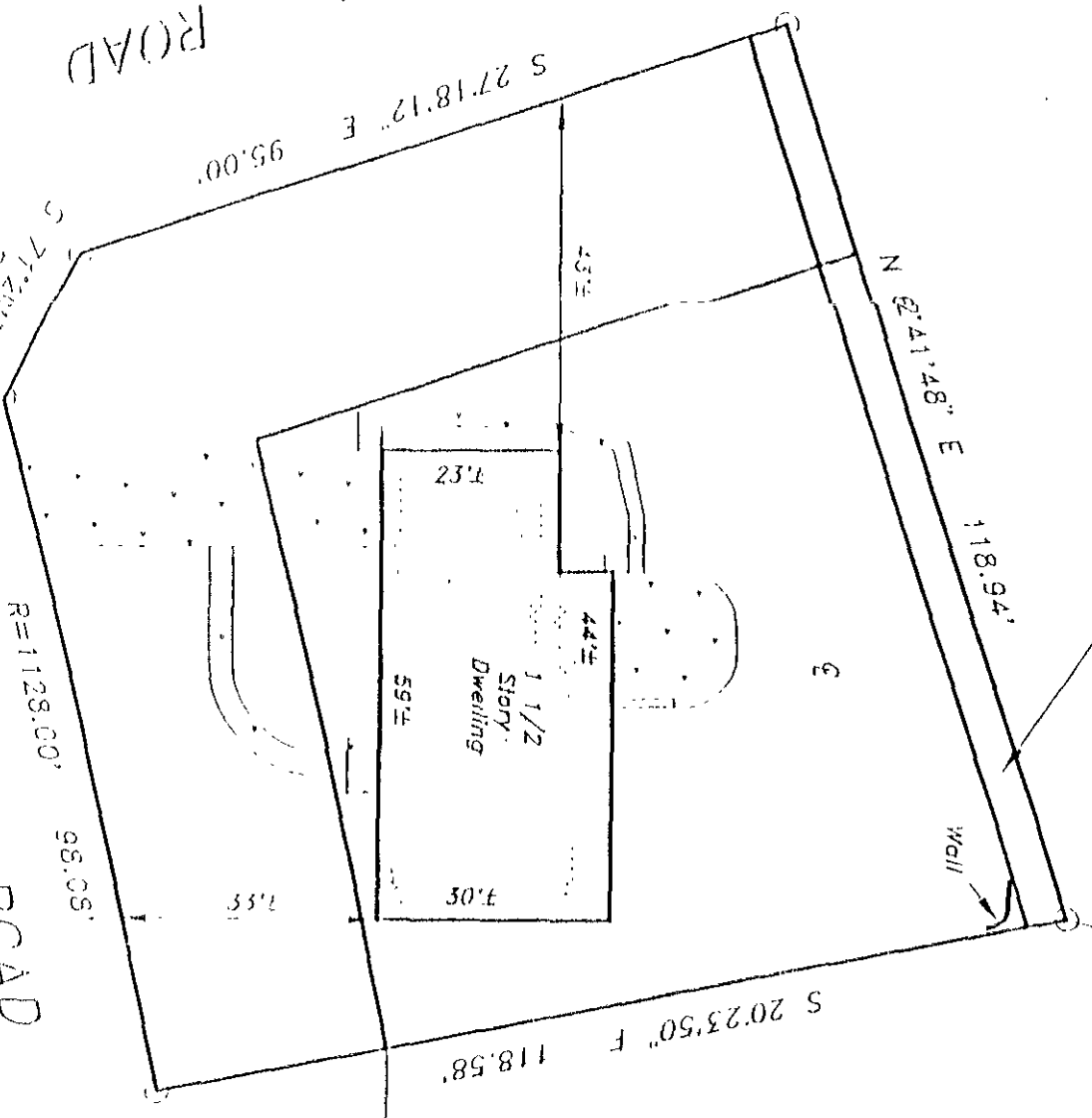
Lot 20

5' Easement

Well

Lot Number: 21  
 Block/Section: J  
 Plat Reference: Book 29 Page 99  
 Title of Plat: Subdivision Plan, Plat Two, Section One, Cockeford

Lot 22



R=1128.00'

98.08'

30' Setback

TEMPER ENGINEERING

8235 RUXTON CROSSING COURT

RUXTON, MARYLAND 21204

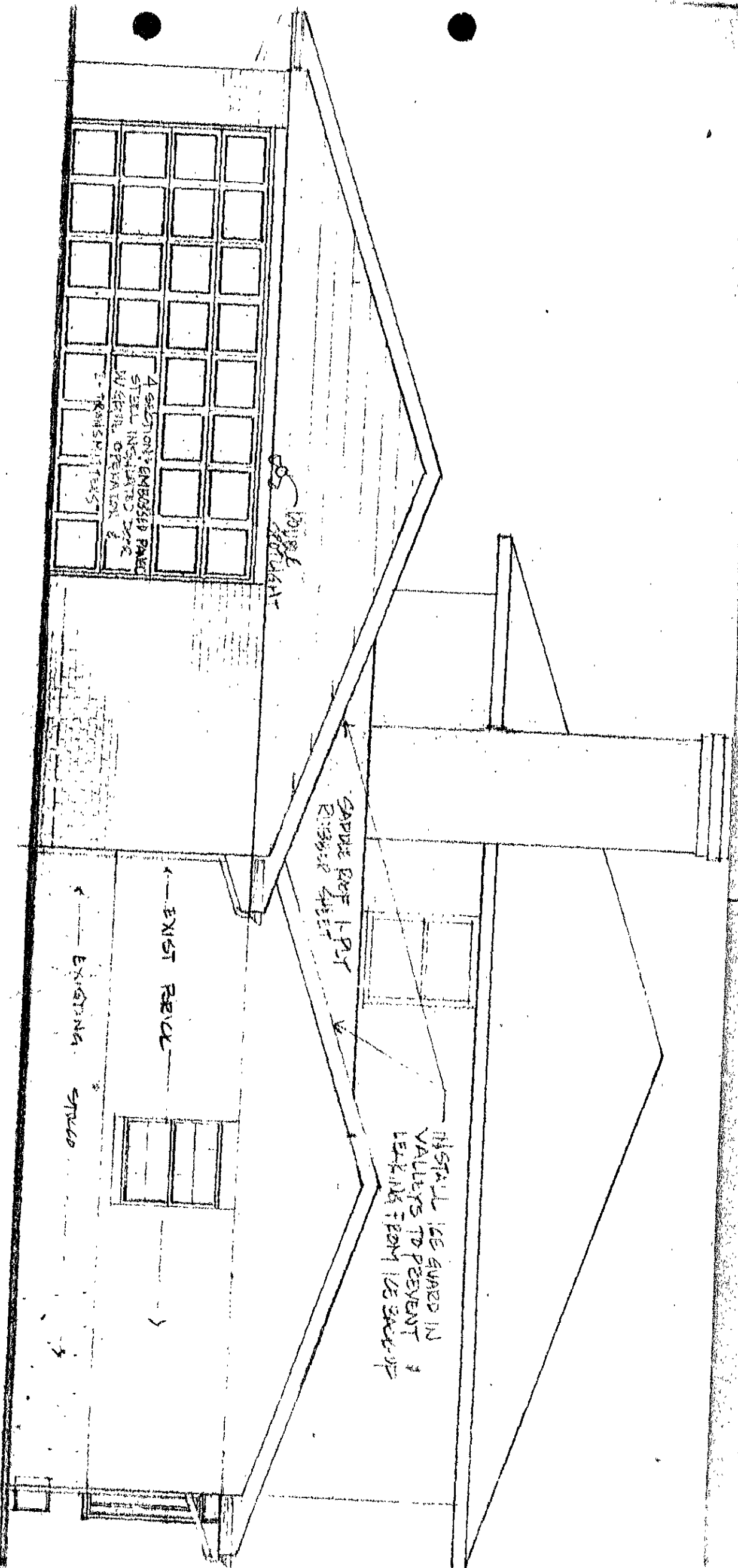
(301) 825-3557

SCALE: 1" = 25'

PADONIA

ROAD

Property lies in Flood Zone C



SIDE ELEVATION

1/4"

0"

Plot #5



PROTESTANTS' EXHIBIT 5 *final*

PHOTOGRAPHS TAKEN 3/97



1200. # 7 - ~~for~~ id only

22. "ANTS" EXHIBIT 4  
PHOTOGRAPHS TAKEN 3/97



TIME: 08:45:02      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 03/20/95  
DATE: 04/15/97      BUILDING DETAIL 1      PLD 10:29:20

PERMIT # B228538      PLANS: CONST 0      PLOT 1      TRACT:      BLOCK:      PLAT 0      DATA 0      EL 1      PL 2  
TENANT

BUILDING CODE: 1      CONTR: K & K ENTERPRISES  
IMPRV 2      ENGNR:  
USE 01      SELLR:

FOUNDATION      BASE      WORK: CONST. AN ADDITION ONTO REAR OF EX. SFD, TO BE  
2      3      USED AS: DINING RM./KITCHEN EXT., SEATING AREA,  
CONSTRUC FUEL SEWAGE WATER      ATTACHED GARAGE. 69'X28'X16' = 1,212 SF.  
2      1E      1E      "PLANS WAIVED" - L.RETTEW.

CENTRAL AIR  
ESTIMATED COST  
50,000.00      PROPOSED USE: SFD & ADDITION W/GARAGE  
OWNERSHIP: 1      EXISTING USE: SFD  
RESIDENTIAL CAT: 1

#EFF:      #1BED:      #2BED:      #3BED:      TOT BED:      TOT APTS:  
1 FAMILY BEDROOMS:      PASSWORD:

-----

ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU

Pct. #8

TIME: 08:44:54  
DATE: 03/20/95

PANEL BP1003M  
LAST UPDATE 03/20/95  
PLD 10:26:08

PERMIT #: B228538  
RECEIPT #: A246672  
CONTROL #: MR  
XREF #: B228538

PROPERTY ADDRESS  
2308 POT SPRING RD

SUBDIV: SPRINGLAKE  
TAX ACCOUNT #: 0808006330

OWNERS INFORMATION (LAST, FIRST) DISTRICT/PRECINCT 08 12

FEE: 63.00  
PAID: 63.00  
PAID BY: APPL

NAME: FOLEY, THOMAS & JEAN C.  
ADDR: 2308 POT SPRINGS RD. 21093

DATES

APPLIED: 03/20/95  
ISSUED: 03/20/95  
OCCPNY:

NAME: TOM KELLY  
COMPANY: K & K ENTERPRISES

ADDR1: 14202 BALDWIN MILL RD.  
ADDR2: 21013

INSPECTOR: 08R  
NOTES: JP

PHONE #: 592-9201

LICENSE #: 30082

ENTER - PERMIT DETAIL  
PF2 - APPROVALS

PF3 - INSPECTIONS  
PF4 - ISSUE PERMIT

PF7 - DELETE  
PF8 - NEXT PERMIT

PF9 - SAVE  
PF10 - INQRY

PASSWORD :

Pet. #10

PANEL BP1003M

TIME: 08:47:31      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 10/20/94  
DATE: 10/20/94      GENERAL PERMIT APPLICATION DATA      PLN 09:54:35

PERMIT #: B215980      PROPERTY ADDRESS  
RECEIPT #: A235463      120      TREGARONE RD  
CONTROL #: MR      SUBDIV: COACHFORD  
XREF #: B215980      TAX ACCOUNT #: 0818051560      DISTRICT/PRECINCT 08      12  
OWNERS INFORMATION (LAST, FIRST)

FEE: 55.00      NAME: MARPHY, SUSAN  
PAID: 55.00      ADDR: 120 TREGARONE RD 21093  
PAID BY: APP

DATES      APPLICANT INFORMATION  
APPLIED: 10/20/94      NAME: J A ARRUSZESKI  
ISSUED: 10/20/94      COMPANY: ARIES BLDRS  
OCCPNY:      ADDR1: 1131 ENGLEBERTH RD  
ADDR2: 21221

INSPECTOR: 08R      PHONE #: 391-5570      LICENSE #: 12369  
NOTES: VLC/DLS

PASSWORD :

-----  
ENTER - PERMIT DETAIL      PF3 - INSPECTIONS      PF7 - DELETE      PF9 - SAVE  
PF2 - APPROVALS      PF4 - ISSUE PERMIT      PF8 - NEXT PERMIT      PF10 - INQRY

TIME: 08:47:37      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 10/20/94  
DATE: 04/15/97      BUILDING DETAIL 1      PLN 09:56:32  
PERMIT # B215980      PLANS: CONST 00      PLOT 1      TRACT:      BLOCK:  
TENANT      PLAT 0      DATA 0      EL 1      PL 2  
BUILDING CODE: 1      CONTR: ARIES BLDERS  
IMPRV 2      ENGNR:  
USE 01      SELLR:

FOUNDATION      BASE      WORK: ENCLOSE EX CARPORT ON SIDE OF SFD TO BE USED  
2      3      AS 1 CAR GARAGE. 12'X31'X13'=372SF REFER TO  
CONSTRUC FUEL SEWAGE WATER      CASE 95-73-A  
2      1E      1E

CENTRAL AIR  
ESTIMATED COST  
12,000.00      PROPOSED USE: SFD & GARAGE  
OWNERSHIP: 1      EXISTING USE: SFD & CARPORT  
RESIDENTIAL CAT: 1

#EFF:      #1BED:      #2BED:      #3BED:      TOT BED:      TOT APTS:  
1 FAMILY BEDROOMS:      PASSWORD:

ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU

TIME: 08:47:42      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 10/20/94  
DATE: 04/15/97      BUILDING DETAIL 2      PLN      09:56:32

PERMIT #: B215980      BUILDING SIZE      LOT SIZE AND SETBACKS  
FLOOR: 372      SIZE: 0080.00 X 0125.00  
WIDTH: 12      FRONT STREET:  
DEPTH: 31      SIDE STREET:  
HEIGHT: 13      FRONT SETB: NC  
STORIES: 1      SIDE SETB: NC/7'6"  
KITCHENS:      SIDE STR SETB:  
LOT NOS: 11      REAR SETB: NC  
CORNER LOT: N

ZONING INFORMATION      ASSESSMENTS  
DISTRICT:      BLOCK:      LAND: 0058000.00  
PETITION:      SECTION:      IMPROVEMENTS: 0128180.00  
DATE:      LIBER: 002      TOTAL ASS.:  
MAP:      FOLIO: 099  
CLASS: 04

PLANNING INFORMATION  
MSTR PLAN AREA:      SUBSEWER:      CRIT AREA:      PASSWORD:

ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU

PERMIT #: B239583 PROPERTY ADDRESS  
RECEIPT #: A258488 128 E PADONIA RD  
CONTROL #: MR SUBDIV: COACHFORD  
XREF #: B239583 TAX ACCOUNT #: 0823004560 DISTRICT/PRECINCT 08 11  
OWNERS INFORMATION (LAST, FIRST)  
FEE: 55.00 NAME: DEMBACK, BERRY & DENISE  
PAID: 55.00 ADDR: 128 E PADONIA RD 21093  
PAID BY: APPL  
DATES APPLICANT INFORMATION  
APPLIED: 06/26/95 NAME: MELODY CRANSTON  
ISSUED: 06/26/95 COMPANY: DOUBLE EAGLE REMODELING INC  
OCCPNY: ADDR1: 1339 SUDVALE RD  
ADDR2: BALTO MD 21208  
INSPECTOR: 08R PHONE #: 668 5851 LICENSE #: 47250  
NOTES: RK/SMD

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE  
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY  
PANEL BP1004M  
TIME: 08:20:47 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/26/95  
DATE: 04/15/97 BUILDING DETAIL 1 PLF 13:53:11  
TRACT: BLOCK:  
PERMIT # B239583 PLANS: CONST 00 PLOT 1 PLAT 0 DATA 0 EL 1 PL 2  
TENANT  
BUILDING CODE: 1 CONTR: DOUBLE EAGLE REMODELING INC  
IMPRV 2 ENGR:  
USE 01 SELLR:  
FOUNDATION BASE WORK: EXTEND EX.OPEN WOOD DECK & ENCLOSE TO BE SUNROO  
CONSTRUC FUEL SEWAGE WATER SUNROOM ON REAR OF EX.SFD 29'X15'X12'=435SF  
2 1E 1E FOOTERS REQ'D, VARIANCE CASE#95-417A  
CENTRAL AIR  
ESTIMATED COST  
18,000 PROPOSED USE: SFD & ADDITION  
OWNERSHIP: 1 EXISTING USE: SFD  
RESIDENTIAL CAT: 1  
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:  
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE  
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU  
PANEL BP1005M  
TIME: 08:20:56 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/26/95  
DATE: 04/15/97 BUILDING DETAIL 2 PLF 13:53:11

PERMIT #: B239583 BUILDING SIZE LOT SIZE AND SETBACKS  
FLOOR: 450 SIZE: 0096.00 X 0000.00  
WIDTH: 29' FRONT STREET:  
DEPTH: 15' SIDE STREET:  
POWDER ROOMS: HEIGHT: 12' FRONT SETB: NC  
BATHROOMS: STORIES: SIDE SETB: NC/NC  
KITCHENS: SIDE STR SETB:  
REAR SETB: 15'  
LOT NOS: 1  
CORNER LOT: N

ZONING INFORMATION ASSESSMENTS  
DISTRICT: BLOCK: LAND: 0056170.00  
PETITION: SECTION: IMPROVLMENTS: 0120730.00  
DATE: LIBER: 002 TOTAL ASS.:  
MAP: FOLIO: 099  
CLASS: 04

PLANNING INFORMATION  
MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE  
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU  
PANEL BP1003M  
TIME: 08:26:28 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 03/23/95  
DATE: 03/29/95 GENERAL PERMIT APPLICATION DATA PLF 13:20:04



Pet. #12

PANEL BP1003M

TIME: 08:43:27      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 03/23/95  
DATE: 04/15/97      GENERAL PERMIT APPLICATION DATA      PLC      13:20:04

PERMIT #: B228952      PROPERTY ADDRESS  
RECEIPT #: A246706      2209      STRYKER CT  
CONTROL #: MR      SUBDIV: SPRINGLAKE  
XREF #: B228952      TAX ACCOUNT #: 0801075030      DISTRICT/PRECINCT 08      12  
OWNERS INFORMATION (LAST, FIRST)  
FEE: 55.00      NAME: COLEMAN, JOHN R. & SANDRA L.  
PAID: 55.00      ADDR: 2209 STRYKER CT., 21093  
PAID BY: APPL.

DATES      APPLICANT INFORMATION  
APPLIED: 03/23/95      NAME: CHRISTINE SCHWARTZ  
ISSUED: 03/29/95      COMPANY: BEL AIR CONSTRUCTION  
OCCPNY:      ADDR1: 1464 ROCK RIDGE RD.  
ADDR2: JARRETSVILLE, MD. 21087  
INSPECTOR: 08R      PHONE #: 557-9838      LICENSE #: 16823  
NOTES: JP/VLC

PASSWORD :

-----  
ENTER - PERMIT DETAIL      PF3 - INSPECTIONS      PF7 - DELETE      PF9 - SAVE  
PF2 - APPROVALS      PF4 - ISSUE PERMIT      PF8 - NEXT PERMIT      PF10 - INQRY

TIME: 08:43:40      AUTOMATED PERMIT TRACKING SYSTEM      LAST UPDATE 03/29/95  
DATE: 04/15/97      BUILDING DETAIL 1      PLM      11:46:02  
PERMIT # B228952      PLANS: CONST 2      PLOT 4      TRACT:      BLOCK:  
TENANT      PLAT 0      DATA 0      EL 1      PL 1  
BUILDING CODE: 1      CONTR: BEL AIR CONSTRUCTION  
IMPRV 2      ENGNR:  
USE 01      SELLR:

FOUNDATION      BASE      WORK: CONSTRUCT 2 STY ADD. W/CRAWL SPACE ONTO REAR  
2      3      OF EX. SFD. 1ST FLR-FAMILY ROOM, 2ND FLR-  
CONSTRUC FUEL SEWAGE WATER      SITTING ROOM. ALT TO CREATE ENTRY INTO EACH  
2      1E      1E      FLR. 20'X24'X24'=921SF

CENTRAL AIR

ESTIMATED COST

84,656.00      PROPOSED USE: SFD AND ADDITION

OWNERSHIP: 1      EXISTING USE: SFD

RESIDENTIAL CAT: 1

#EFF:      #1BED:      #2BED:      #3BED:      TOT BED:      TOT APTS:

1 FAMILY BEDROOMS:      PASSWORD:

ENTER - NEXT DETAIL      PF2 - APPROVALS      PF7 - PREV. SCREEN      PF9 - SAVE  
PF1 - GENERAL PERMIT      PF3 - INSPECTIONS      PF8 - NEXT SCREEN      CLEAR - MENU

Petition for Administrative Variance  
SE/corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)  
8th Election District - 3rd Councilmanic District  
Salvatore M. Zumbo, et ux - Petitioners  
Case No. 97-28-A

✓ Petition for Administrative Variance

✓ Description of Property

✓ Certificate of Posting

No Certificate of Publication Found

✓ Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: ✓ 1 - Plat to Accompany Petition for Zoning  
Variance

✓ 2 - Four Photographs

✓ Objections to Zumbo's Zoning Variance

✓ Letter from Salvatore M. Zumbo to Arnold Jablon dated August 21, 1996

✓ Deputy Zoning Commissioner's Order dated October 3, 1996 (Granted)

✓ Notice of Appeal received on November 1, 1996 from James and  
Katherine Knapick

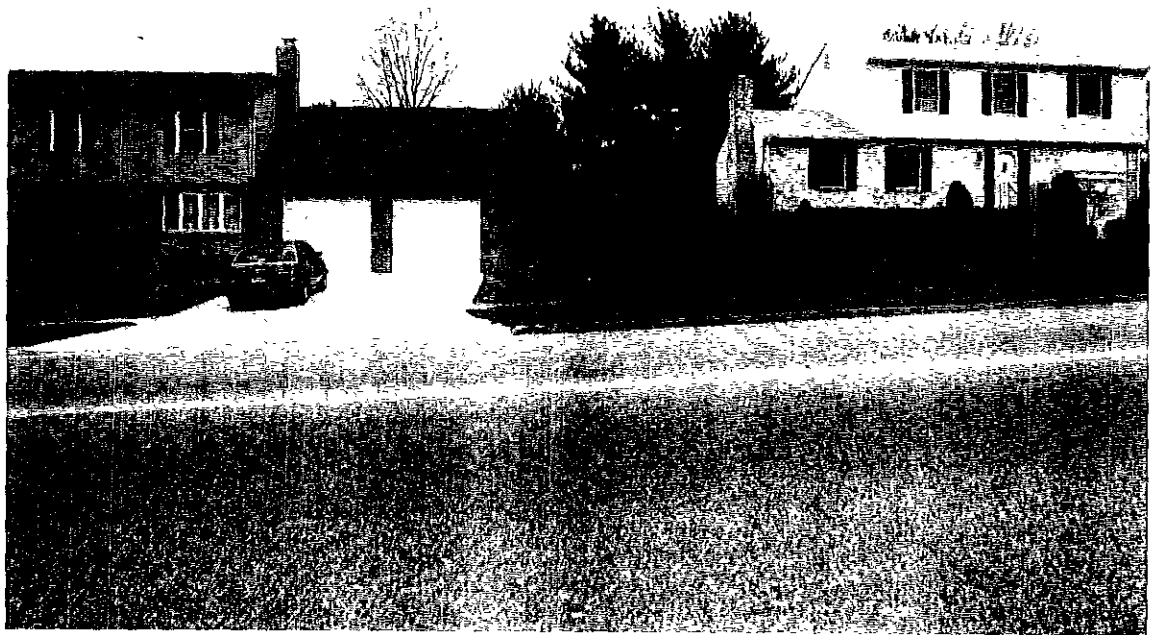
c: ✓ Mr. and Mrs. James Knapick, 2428 Hartfell Road, Timonium, MD 21093  
Mr. and Mrs. Salvatore Zumbo, 135 E. Padonia Rd., Timonium, MD 21093  
People's Counsel of Baltimore County, M.S. 2010

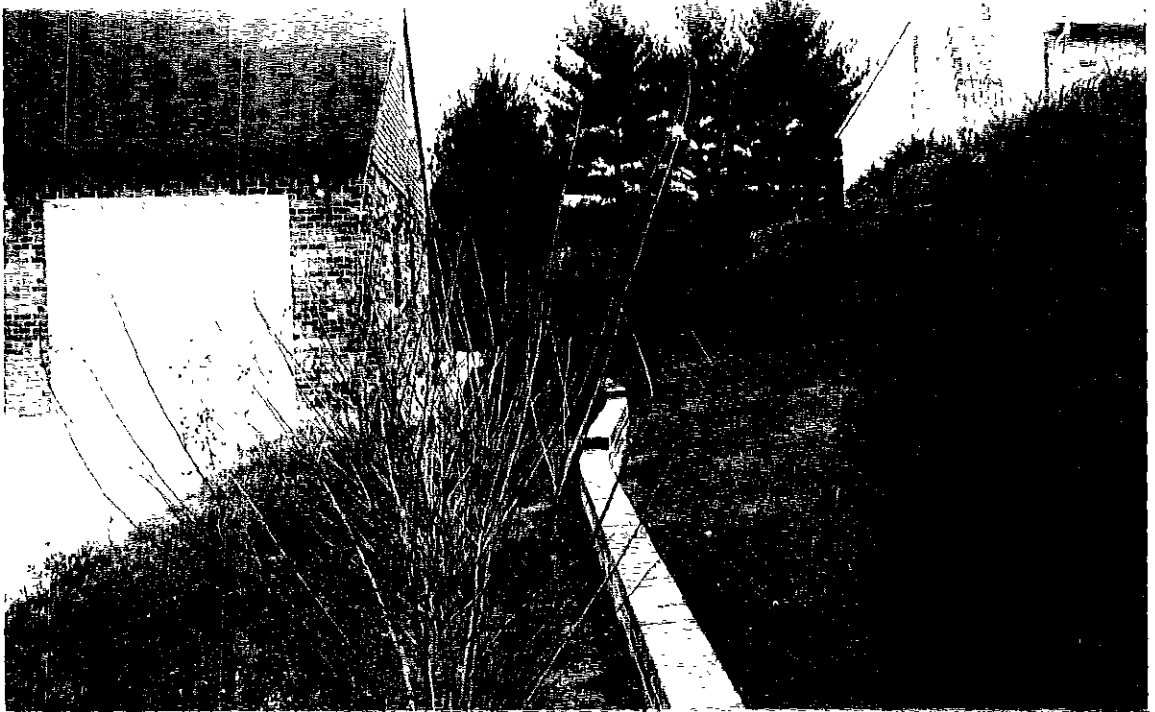
Request Notification: Timothy Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

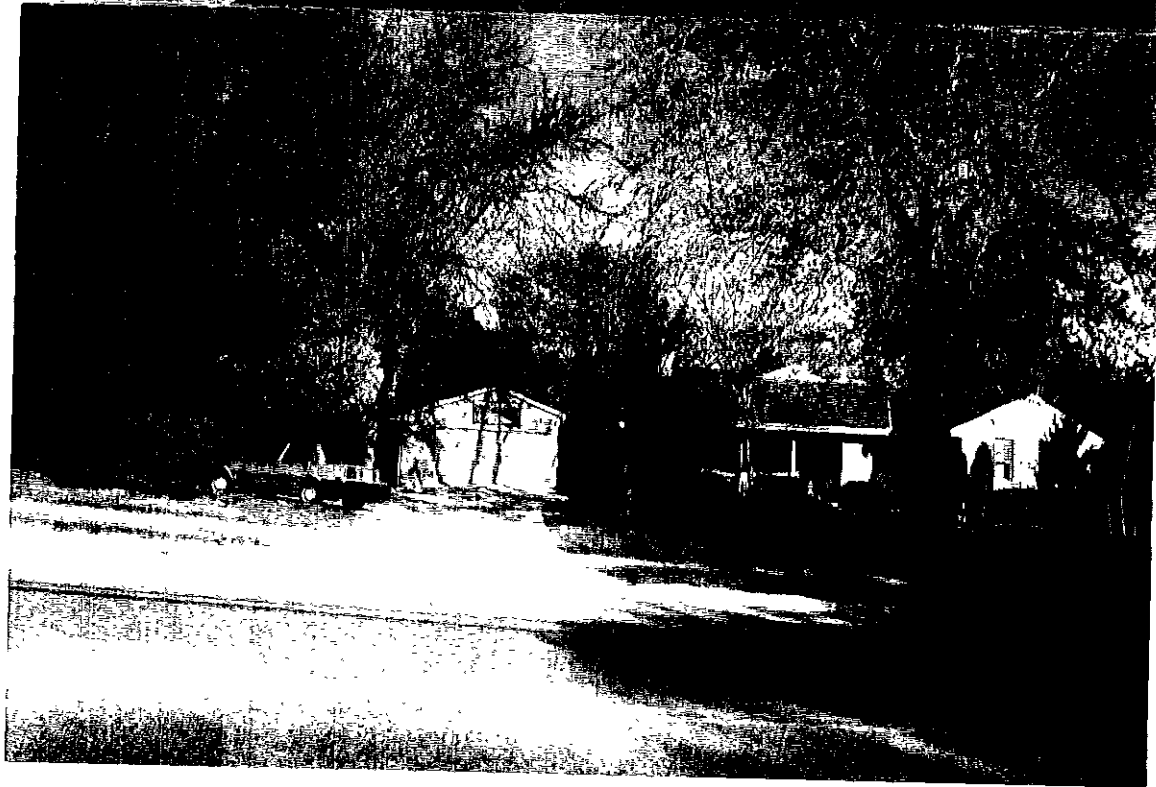
✓ 1



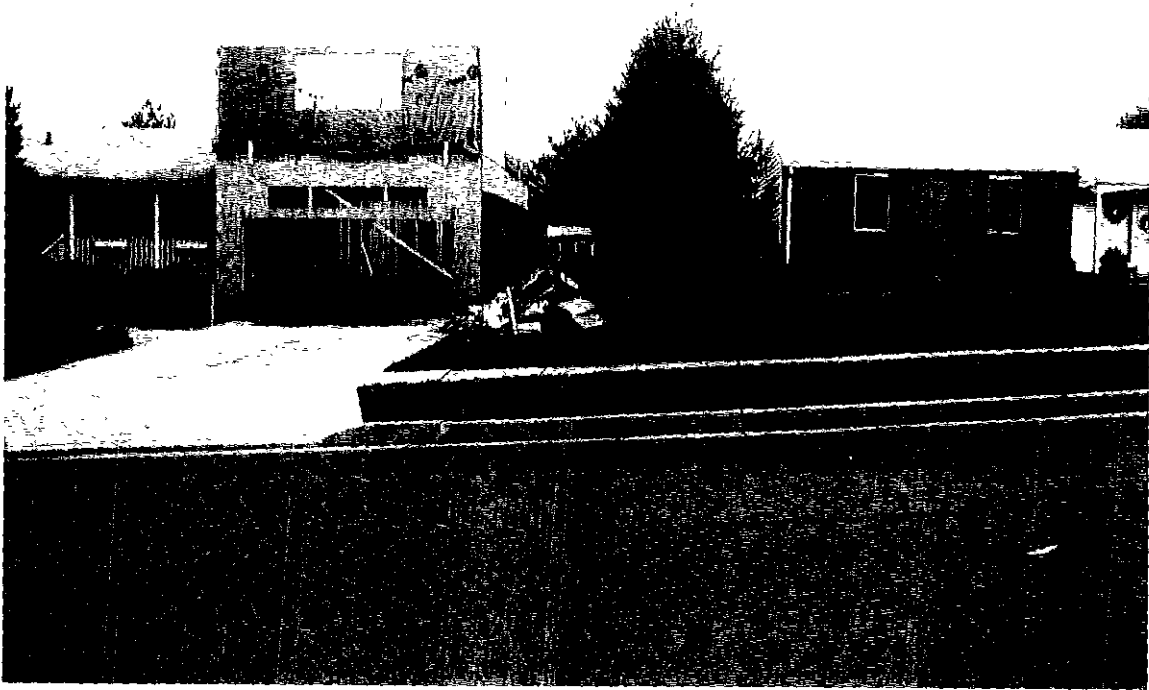




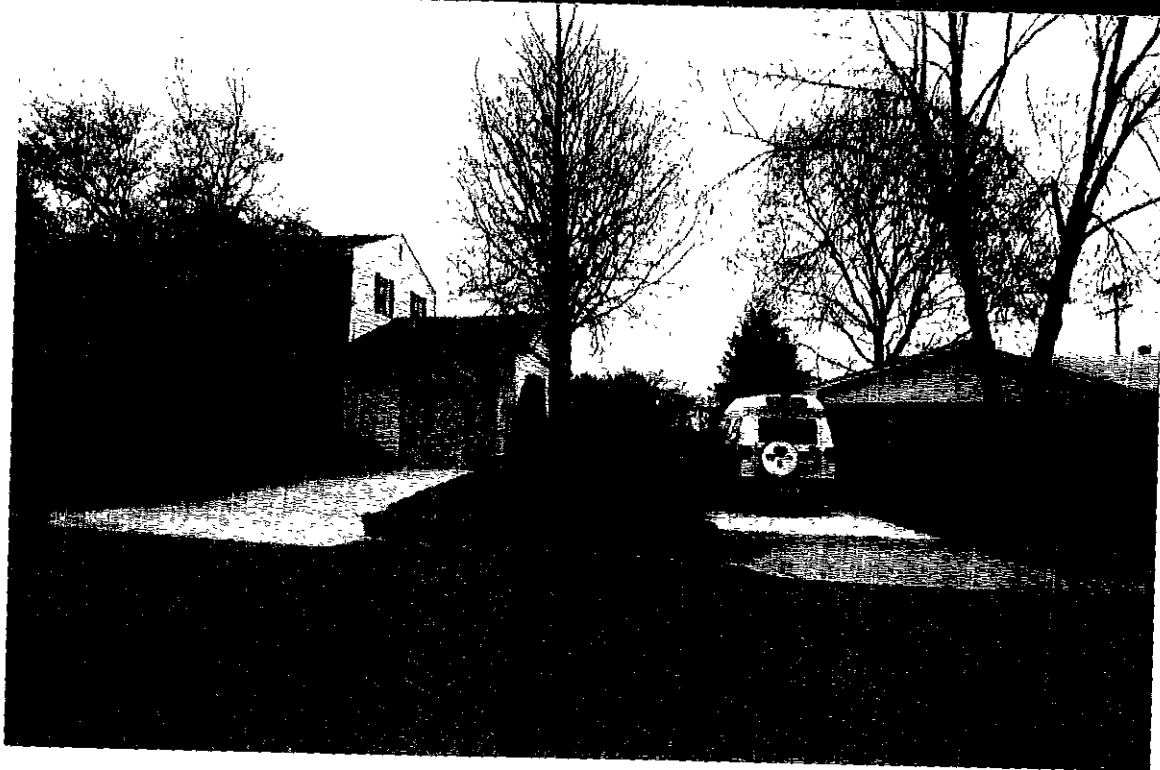


























BY DATE

MAPS INC.

Topographic

4-11-70

5/14/94

5/14/94

REVISIONS

SCALE

1" = 200'

LOCATION

PADONIA

SHEET

N.W.

15-A

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA

S-NE R-NW

V-SE U-SW

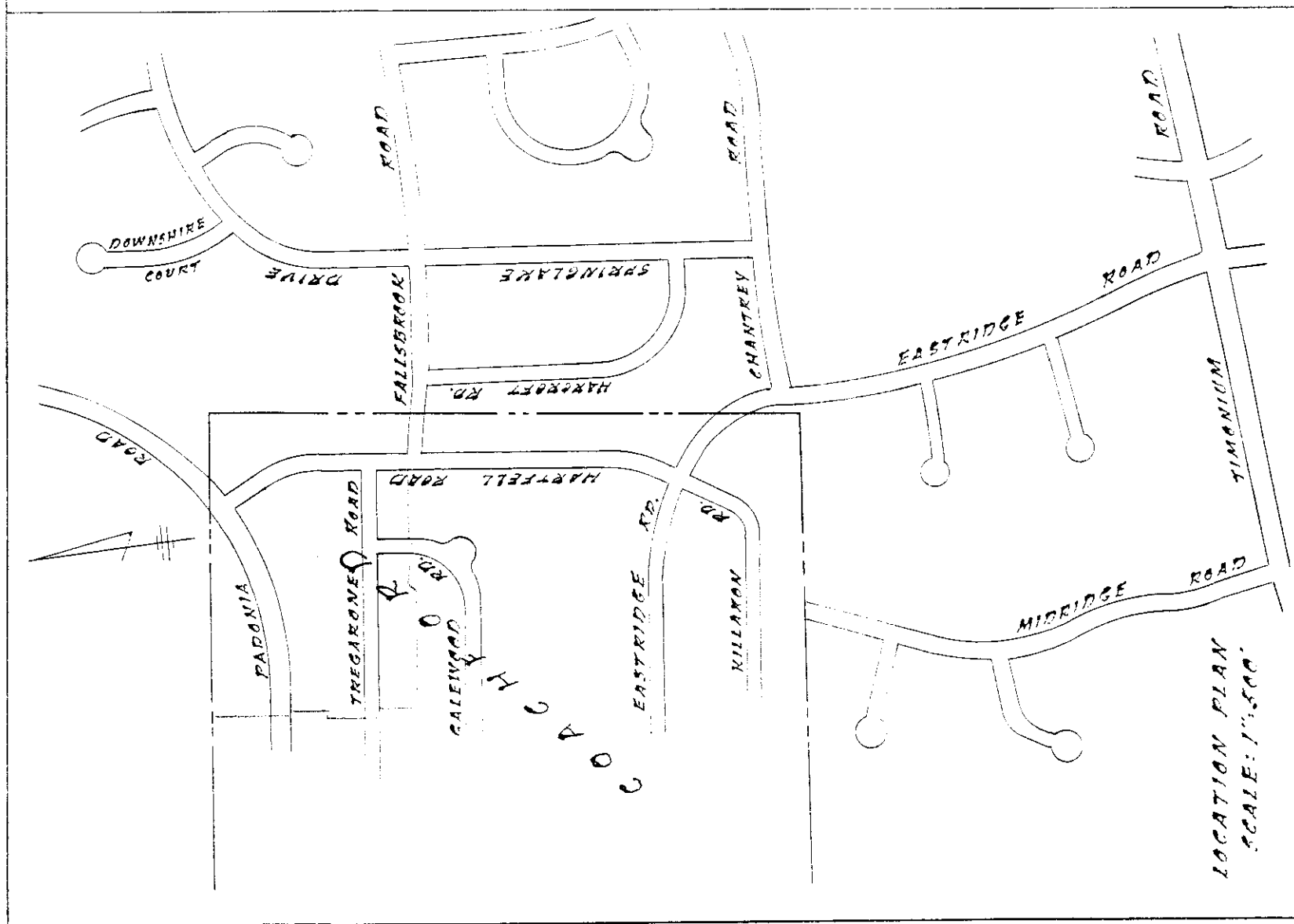
Topography Compiled By: Photogrammetric Methods

AERO SERVICE CORPORATION-PHILADELPHIA, PA.

Prot. # 3

9/20/78





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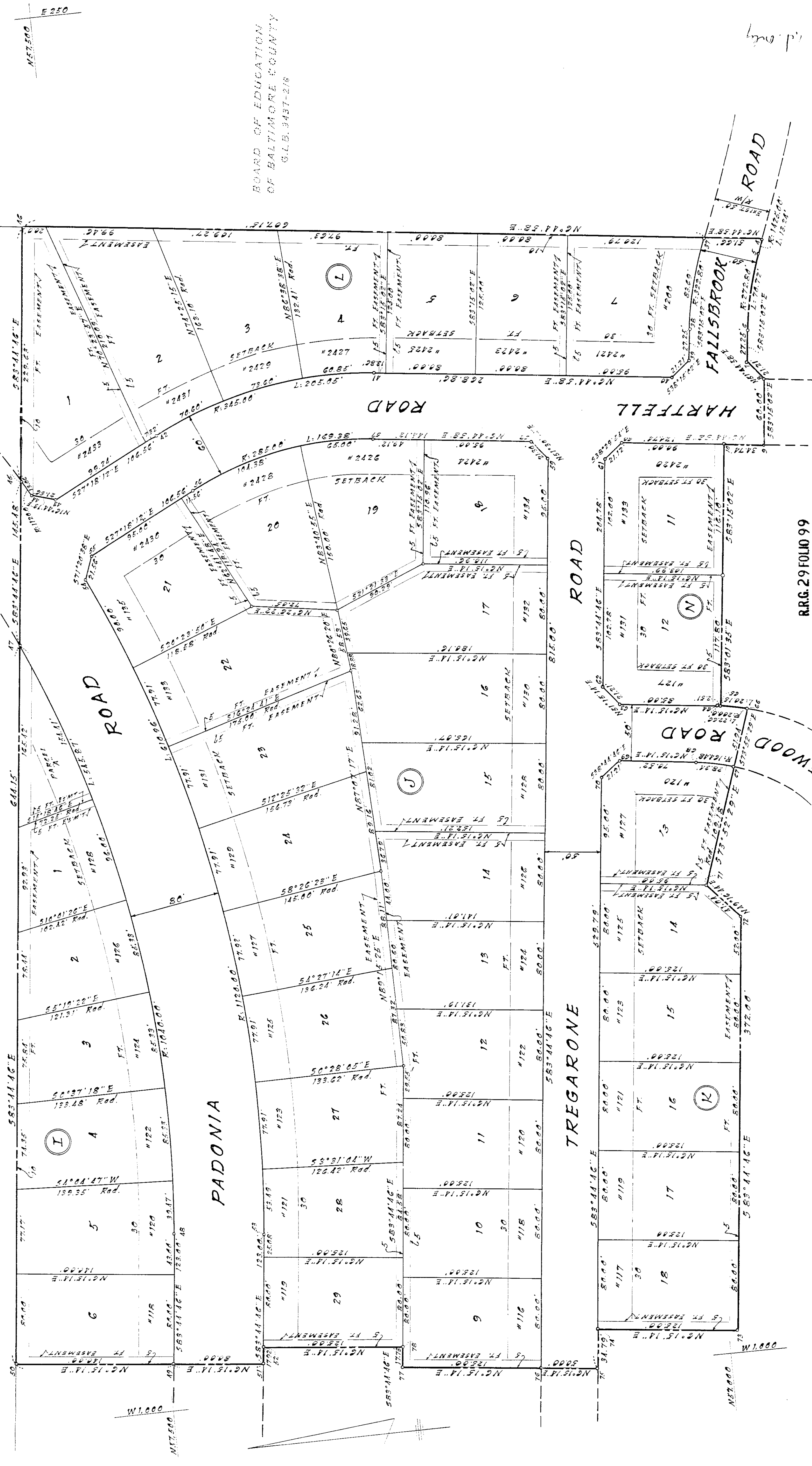
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99	101.15	90.00	101.15
100	101.15	90.00	101.15

CERTIFICATION:  
I, the undersigned, hereby certify that the plat is a true and correct copy of the original as filed in the office of the Clerk of the Board of Education of Baltimore County, Maryland, and that the same has been duly recorded in the office of the Clerk of the Board of Education of Baltimore County, Maryland.

Noted & Approved  
10/13/63

COACHFORD  
10/13/63

DULANEY VALLEY MEMORIAL GARDENS  
S.L.B. 25-15



RRG. 29 FOLD 99  
RECEIVED for Record  
NOV 5 1963 at  
Baltimore County and ex-  
amined, per

Subdivision Plan  
Plat Two  
Section One  
COACHFORD

BALTIMORE COUNTY, MD. ~ ELECT. DIST. 8  
SCALE: 1" = 50' ~ OCTOBER 1963

COACHFORD INC. ~ OWNER  
1624 YORK ROAD, LUTHERVILLE, MD.

DONALD L. BROWN  
LAND SURVEYOR - REG. NO. 3423  
1624 YORK ROAD, LUTHERVILLE, MD.

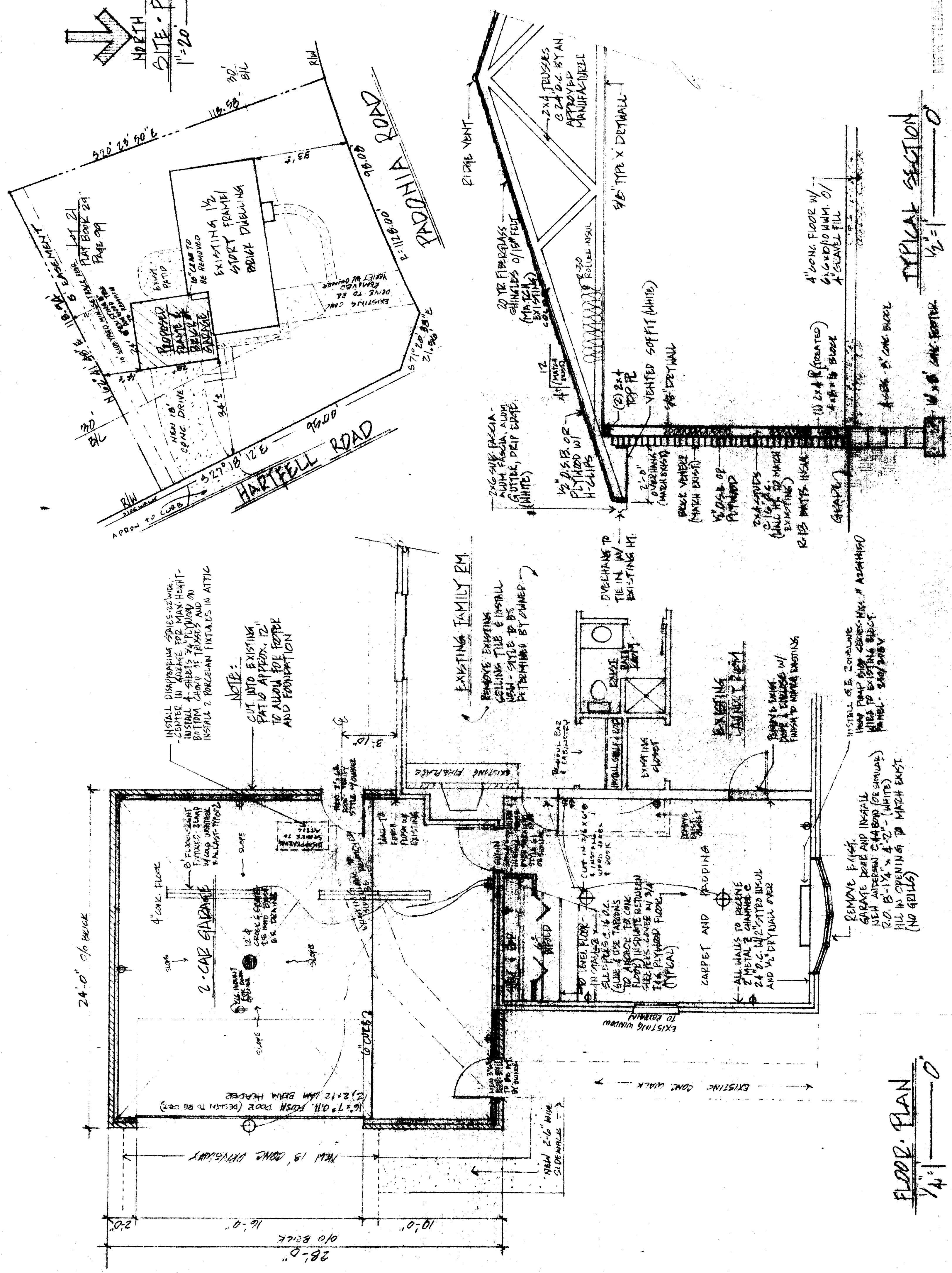
NOTES:  
The plat is subject to all easements, liens and other interests of record and is not to be construed as a warranty of title. The plat is subject to all other laws and regulations governing the subdivision of land in Baltimore County, Maryland. The plat is subject to all other laws and regulations governing the subdivision of land in Baltimore County, Maryland.

LEGEND:  
Boundary of lot shown here:  
Boundary of road shown here:  
Boundary of easement shown here:  
Boundary of setback shown here:  
Boundary of other interest shown here:  
Boundary of other interest shown here:  
Boundary of other interest shown here:

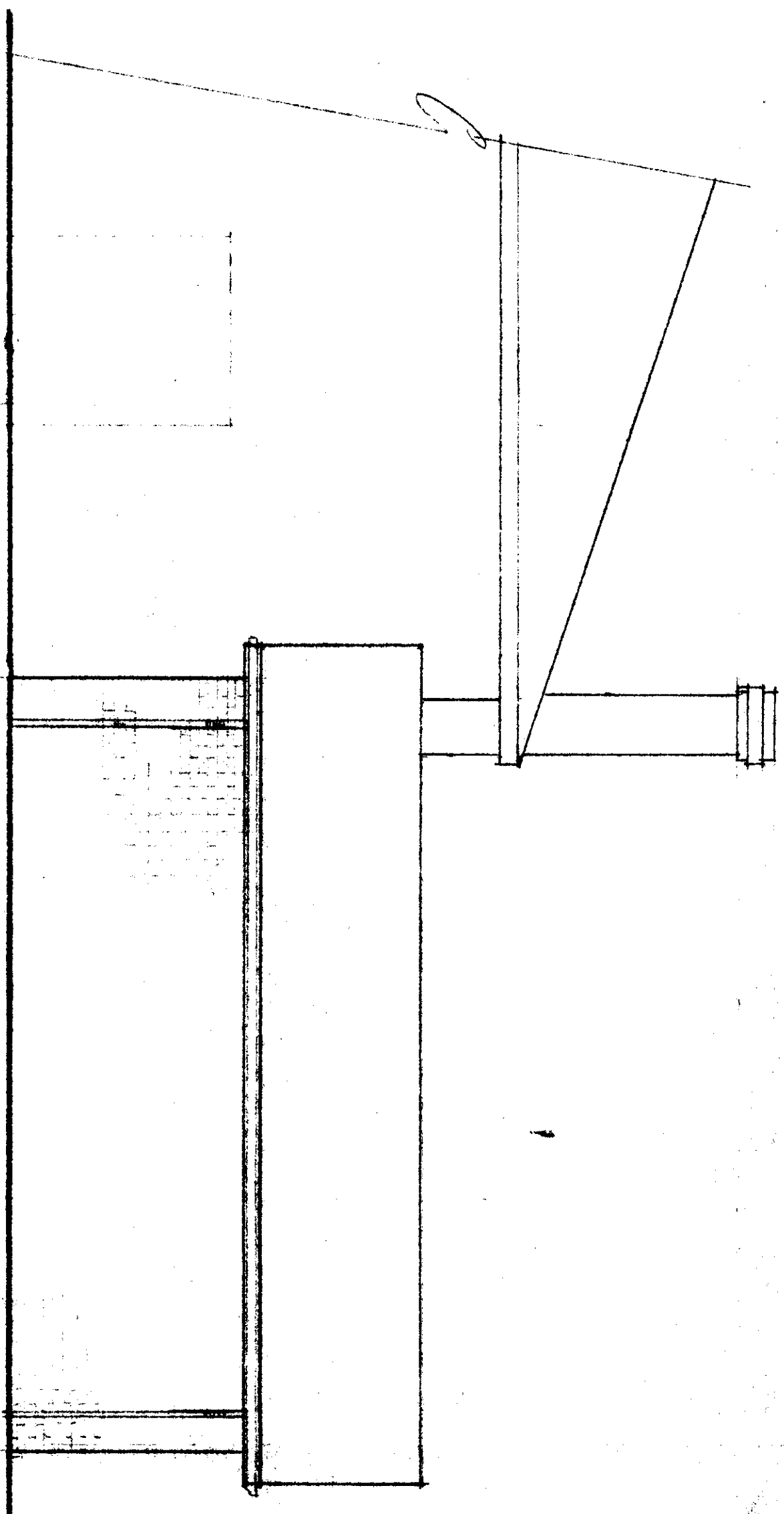
86310404  
Final Plat filed for  
Recording  
G.E.G. 10/13/63  
Engineering  
Date: 10/13/63

OWNERS CERTIFICATE:  
I, the undersigned, hereby certify that the plat is a true and correct copy of the original as filed in the office of the Clerk of the Board of Education of Baltimore County, Maryland, and that the same has been duly recorded in the office of the Clerk of the Board of Education of Baltimore County, Maryland.

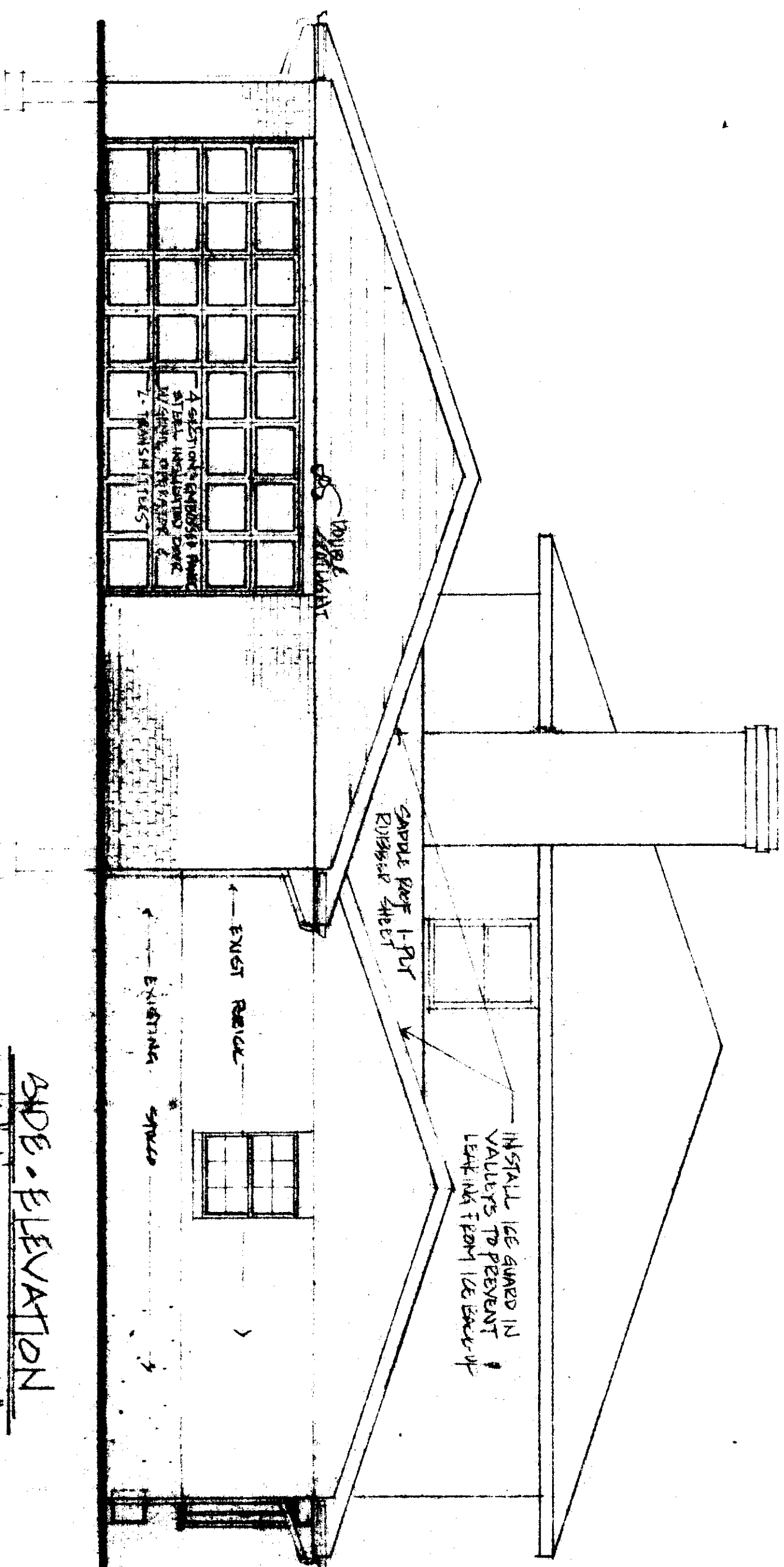








REAR ELEVATION  
1/4" = 0'



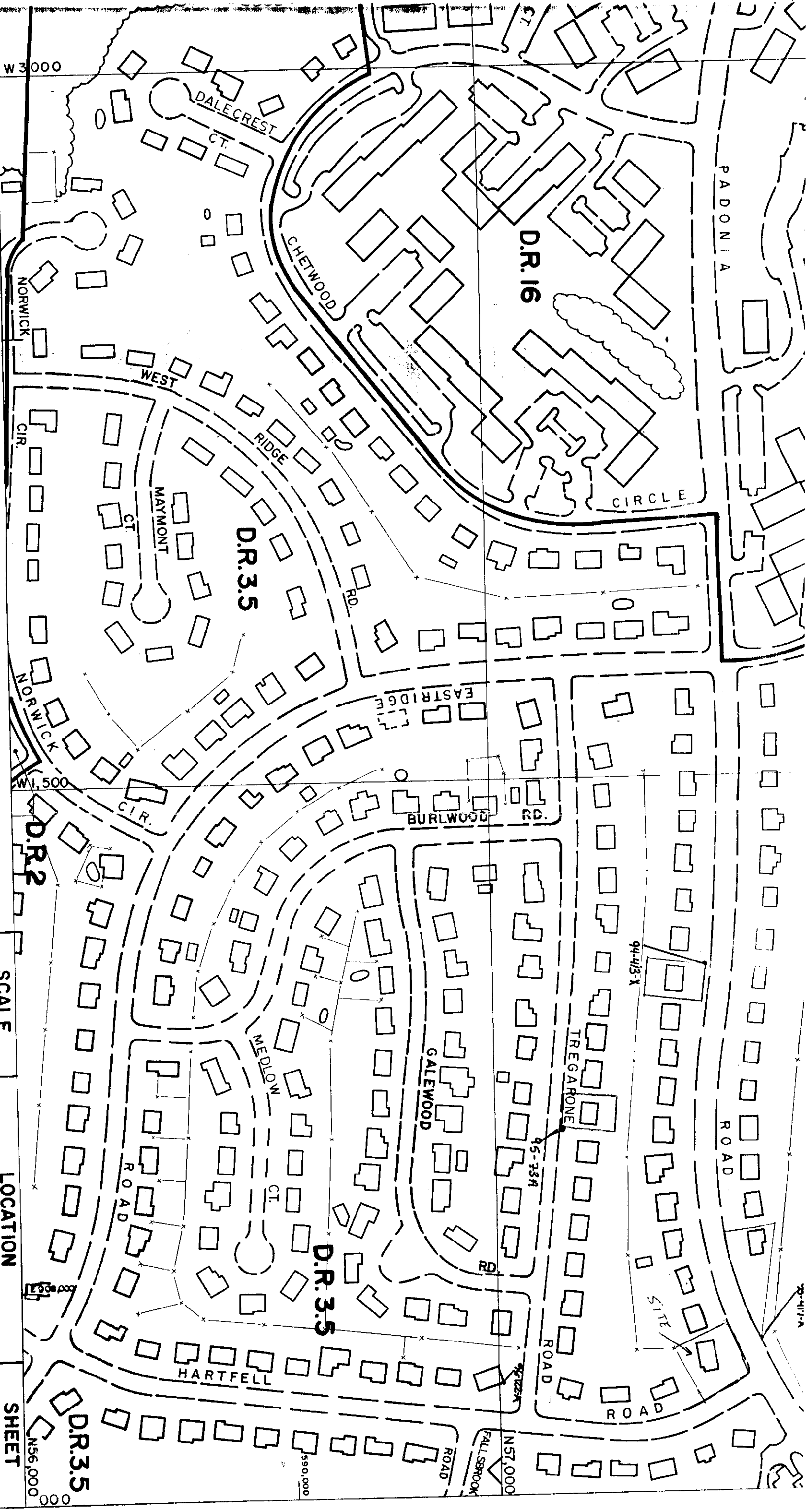
SIDE ELEVATION  
1/4" = 0'

Pt. # 6

560-3148

581-900/511

PROPOSED GARAGE AND  
INTERIOR ALTERATIONS  
Dr. & Mrs. Salvatore T. Tundo  
BATHROOM, HALLWAY AND  
KITCHEN  
PLAN BY  
DAVID M. MURPHY, ARCHITECT  
175 N. MONTGOMERY STREET  
ALBANY, ONE FLOOR PLAN



(SHEET N.W.-14-A)  
**ORE COUNTY  
ANNING AND ZONING  
ZONING MAP**

**1992 COMPREHENSIVE ZONING MAP**  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
*William A. Howard*  
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	PADONIA	N.W. 15-A
DATE OF PHOTOGRAPHY JANUARY 1986	# 29	



IN THE MATTER OF \* BEFORE THE  
THE APPLICATION OF \*  
SALVATORE M. ZUMBO, ET UX \* COUNTY BOARD OF APPEALS  
FOR AN ADMINISTRATIVE VARIANCE \*  
ON PROPERTY LOCATED ON THE \* OF  
SOUTHEAST CORNER PADONIA ROAD \* BALTIMORE COUNTY  
AND HARTFELL ROAD \*  
(135 E. PADONIA ROAD) \* CASE NO. 97-28-A  
8TH ELECTION DISTRICT \*  
3RD COUNCILMANIC DISTRICT \*  
\* \* \* \* \*

#### OPINION

Katherine and James Knapick filed a timely appeal from the Deputy Zoning Commissioner's decision, dated October 3, 1996, granting a variance from Section 1B02.3B of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition. Such a request for variance had been submitted by Mr. and Mrs. Salvatore Zumbo, the owners of the subject property at 135 E. Padonia Road in the Coachford community, Timonium.

The Appellants /Protestants were represented by counsel, Michael P. Tanczyn. The Petitioners, Mr. and Mrs. Zumbo, represented themselves.

Testimony and evidence offered indicate that the subject property consists of .24 acre, more or less, zoned D.R. 3.5, improved with a single-family dwelling and attached one-car garage. The Petitioners have owned and lived at 135 E. Padonia Road for more than 9 years.

Salvatore Zumbo testified as Petitioner that he and his family need additional living space and therefore wish to convert the existing garage for that use and to build an attached two-car

Case No. 97-28-A Salvatore M. Zumbo, et ux -Petitioners 2  
garage, 24 feet by 28 feet, for their cars and storage. Mr. Zumbo further stated that currently the existing garage must be used for storage because their house has no basement. He and his wife have two children, and they had considered selling the property at 135 E. Padonia Road, but they like the location which is close to his job as a professor at Towson University, and close to the children's schools. Therefore, they settled on a plan to convert the existing garage into an office /den, and build a new garage attached to the southeast corner of the house.

Mr. Zumbo further testified that he spoke with contractors and relatives in the construction business and determined that the only logical place for such an attached garage was the southeast corner, 28 feet toward the Appellants' property and 24 feet from Hartfell Road. The proposed driveway would be constructed next to the Knapick's house off Hartfell Road instead of Padonia Road as now exists.

Mr. Zumbo indicated that his property is unique because it is a corner lot, with the house set at an angle, not parallel, to Padonia Road. He also contended that additions such as he proposed are the "norm" in the Coachford development. As evidence, he submitted a series of photographs showing other additions in the neighborhood.

Further, Mr. Zumbo testified that, if the variance relief requested were not granted, he and his family would be deprived of the use of most of their property because they are boxed in by the fact that there is no other place to build the needed garage. This

Case No. 97-28-A Salvatore M. Zumbo, et ux -Petitioners 3  
fact, he said, poses practical difficulty and unreasonable hardship on the Zumbos as property owners in Baltimore County.

On cross-examination by attorney for the Appellants, Mr. Tanczyn, Mr. Zumbo stated that the house at 135 E. Padonia Road has had no additions previously and is the same as when he purchased it. He also indicated that it is a three-bedroom house; that he and his wife have two children; and that they had two children when they purchased the property.

Mr. Tanczyn also asked if the proposed addition could be placed next to the existing garage, therefore negating the need for a variance. He then added that no one at Baltimore County had told him that, but that a contractor had said that it would be "complicated" to place the addition there. He also replied in answer to Mr. Tanczyn's questions that the house currently has a family room with a door to an outside patio and a fireplace, but that he needed an additional area to do quiet research with space for the computer. Also, the family needed a place to park two cars, plus additional space for storage.

Oscar Keyes testified on his own behalf as a resident of the same community. Mr. Keyes indicated that he is a registered civil engineer who was, before his retirement, employed as a design engineer, as well as assistant director, in the Department of Public Works, all with Baltimore County. Mr. Keyes said that he had testified before the County Board of Appeals and the Circuit Court for Baltimore County as an expert witness in previous cases.

Mr. Keyes said that he had examined the drawings presented by

Case No. 97-28-A Salvatore M. Zumbo, et ux -Petitioners 4  
Mr. Zumbo and made measurements of the subject property himself, as well as examining the 1963 record plat of Coachford. It is Mr. Keyes' opinion as a resident of the area for 29 years that the garage proposal made by the Zumbos is more desirable than what they are permitted to build by right. On questioning by Mr. Tanczyn, Mr. Keyes testified that he is not familiar with the legal standard for variances set forth in Cromwell v. Ward, 102 Md.App. 691 (1995).

Upon completion of Mr. and Mrs. Zumbo's case-in-chief, Mr. Tanczyn, on behalf of the Appellants, moved that the request for variance be denied because the Petitioners had not met the burden of proof as required. Mr. Tanczyn argued that the Petitioners had not shown their property to be any different than any other corner lot in the Coachford development, and by their own evidence had shown several other corner properties with similar characteristics. Furthermore, there is no practical difficulty or unreasonable hardship imposed on the Zumbos by denying the variance inasmuch as they can continue to use the property as it exists and as they purchased it, and they have alternative sites to build a two-car garage if they deem it imperative to have one.

Mr. Zumbo replied that his proposal will not hurt anyone else, including the Knapicks, and that said proposal falls within the spirit and intent of the BCZR.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions, which, in pertinent part in this case, allow a variance where special circumstances or conditions

Case No. 97-28-A Salvatore M. Zumbo, et ux -Petitioners 5  
exist that are peculiar to the land which is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in Cromwell v. Ward, which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case de novo, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered. The Board finds that the subject property at 135 E. Padonia Road is not unique from other properties in the area. There are numerous corner lots within the Coachford community, and the houses on those lots are often placed at an angle.

Although it is not strictly necessary for the Board to consider the request further since the above determination was made, the Board further finds that there is no practical difficulty or unreasonable hardship imposed on the Zumbos through the denial of the variance. Practical difficulty or unreasonable hardship is the second prong for granting of a variance. The Petitioners are not constrained from using their single-family residence as designed, and already enjoy full use of their property. Further, alternatives exist for additions desired beyond the current petition requiring a variance.

Case No. 97-28-A Salvatore M. Zumbo, et ux -Petitioners 6  
For these reasons, the Petition for Variance from Section 1B02.3B of the Baltimore County Zoning Regulations to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition shall be denied.

#### ORDER

THEREFORE, IT IS THIS 12th day of June, 1997 by the County Board of Appeals of Baltimore County

ORDERED that Petitioner's request for variance from Section 1B02.3B of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition be and the same is DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

*Robert O. Schuetz*  
Robert O. Schuetz, Chairman

*Charles L. Marks*  
Charles L. Marks

*Margaret Worrall*  
Margaret Worrall



#### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

June 12, 1997

Michael P. Tanczyn, Esquire  
606 Baltimore Avenue  
Suite 106  
Towson, MD 21204

RE: Case No. 97-28-A  
Salvatore M. Zumbo, et ux

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,  
*Kathleen C. Bianco*  
Kathleen C. Bianco  
Administrator

Enclosure

cc: Mr. and Mrs. James Knapick  
Mr. and Mrs. Salvatore Zumbo  
People's Counsel for Baltimore County  
Pat Keller /Planning Director  
Lawrence E. Schmidt, Zoning Commissioner  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
85/Corner Padonia Road and \* DEPUTY ZONING COMMISSIONER  
Hartfell Road \*  
(135 E. Padonia Road) \* OF BALTIMORE COUNTY  
8th Election District \*  
3rd Councilmanic District \* Case No. 97-28-A  
Salvatore M. Zumbo, et ux \*  
Petitioners \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 135 East Padonia Road, located in the vicinity of Eastridge Road in Timonium. The Petition was filed by the owners of the property, Salvatore M. and Catherine S. Zumbo, through the administrative variance process. However, at the request of the adjacent property owner, James J. Knapick, the matter was scheduled for a public hearing to determine the appropriateness of the relief requested. Specifically, the Petitioners seek relief from Section 1B02.3B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Salvatore and Catherine Zumbo, legal owners of the property, and Oscar M. Keys, Jr. and Jean C. Alimo, adjoining neighbors. Appearing as a Protester in the matter was James Knapick, who requested the public hearing.

Testimony and evidence offered revealed that the subject property consists of 0.24 acres, more or less, zoned D.R. 3.5 and is improved with

ORDER RECEIVED FOR FILING  
Date *6/16/97*  
By *[Signature]*





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 1996

Mr. and Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Petition for  
Administrative Variance  
SE/corner Padonia Road  
and Hartfell Road  
(135 E. Padonia Road)  
8th Election District  
3rd Councilmanic District  
Salvatore M. Zumbo, et ux  
- Petitioners  
Case No. 97-28-A

Dear Mr. and Mrs. Zumbo:

Please be advised that an appeal of the above-referenced case was  
filed in this office on November 1, 1996 by James and Katherine Knapick.  
All materials relative to the case have been forwarded to the Baltimore  
County Board of Appeals (Board).

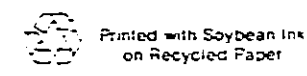
If you have any questions concerning this matter, please do not  
hesitate to call 887-3180.

Sincerely,

*Arnold Jablon*  
ARNOLD JABLON  
Director

AJ:rye

c: People's Counsel



Printed with Soybean Ink  
on Recycled Paper

#### APPEAL

Petition for Administrative Variance  
SE/corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)  
8th Election District - 3rd Councilmanic District  
Salvatore M. Zumbo, et ux - Petitioners  
Case No. 97-28-A

Petition for Administrative Variance

Description of Property

Certificate of Posting

No Certificate of Publication Found

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - Plat to Accompany Petition for Zoning  
Variance  
2 - Four Photographs

Objections to Zumbo's Zoning Variance

Letter from Salvatore M. Zumbo to Arnold Jablon dated August 21, 1996

Deputy Zoning Commissioner's Order dated October 3, 1996 (Granted)

Notice of Appeal received on November 1, 1996 from James and  
Katherine Knapick

c: Mr. and Mrs. James Knapick, 2428 Hartfell Road, Timonium, MD 21093  
Mr. and Mrs. Salvatore Zumbo, 135 E. Padonia Rd., Timonium, MD 21093  
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

2428 Hartfell Road  
Timonium, MD 21093  
November 1, 1996

Deputy Zoning Commissioner  
Office of Zoning  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Petition for Administrative Variance  
Case Number 97-28-A  
135 East Padonia Road

Dear Mr. Deputy Zoning Commissioner:

On behalf of the undersigned, please note an Appeal from the Decision of the Deputy  
Zoning Commissioner dated October 3, 1996 to the County Board of Appeals of Baltimore  
County.

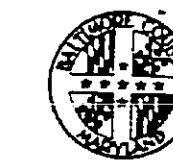
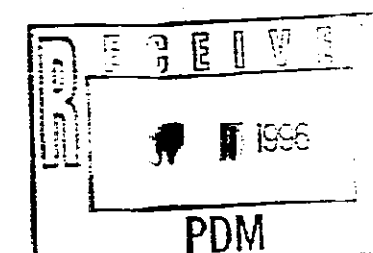
Please keep us advised of any scheduled hearing dates.

Enclosed you will find our check in the amount of \$210.00 made payable to Baltimore  
County, Maryland for the Appeal filing costs as relayed to us by Ms. Stevens of the Zoning  
Office.

Very truly yours,

*James J. Knapick*  
James Knapick

*Katherine Knapick*  
Katherine Knapick



County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

December 2, 1996

Mr. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Case No. 97-28-A  
Salvatore M. Zumbo, et ux -Petitioners

Dear Mr. Zumbo:

The Board is in receipt of your letter of November 29, 1996 in  
which you request that consideration be given to scheduling your  
case to an early date on the Board's hearing schedule.

At this time, the Board's docket is scheduled through March of  
1997, and, therefore, there are no hearing days open which would  
permit this matter to be heard earlier than April of 1997.  
However, in the event another case falls out as the result of  
postponement, settlement, etc., and a date becomes available, then  
consideration will be given to granting your request.

Very truly yours,

*Robert O. Schuetz*  
Robert O. Schuetz, Chairman  
County Board of Appeals

cc: Mr. & Mrs. James Knapick  
People's Counsel for Baltimore County



Printed with Soybean Ink  
on Recycled Paper

#### COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY MINUTES OF DELIBERATION

IN THE MATTER OF: Salvatore M. Zumbo, et ux -Petitioners  
Case No. 97-28-A

DATE : May 1, 1997 / deliberation on Protestants'  
Motion to Deny Petition for Variance being brought by  
Protestants' counsel, Mr. Tanczyn, on the conclusion of  
Petitioners' case-in-chief

BOARD /PANEL : Robert O. Schuetz, Chairman (KKH)  
Charles L. Marks (CLM)  
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco  
Legal Administrator

ROS: For the benefit of the folks who are not accustomed to  
proceedings before the Board, what we have before us currently  
is Motion to Deny Petition for Variance being brought by  
Protestants' counsel, Mr. Tanczyn, on the conclusion of the  
Petitioners' case-in-chief.

The Board's Legal Administrator is going to keep minutes of  
this part of the proceeding. This is not part of the record.  
Something called the open meetings law, or sunshine law, in  
Maryland imposes the requirement that a deliberative process,  
such as this afternoon, must be done in open session so the  
public has the opportunity to review the process. It's not  
part of the record because it is nothing which is  
participatory in nature. It's a session between the Board  
members to which you are invited.

Having said that, the Board's Legal Administrator will be  
keeping minutes so as to indicate compliance with the open  
meetings law.

I'm going to go first. I think this is a very difficult  
situation. And the situation comes to us because of the  
nature of what happens before it gets to the Board of Appeals.  
Hearing is de novo at this level because presumably two heads  
are better than one; you need to have a pair of eyes reviewed  
by another body -- that body needs an extra body.

What happens before the Zoning Commissioner -- sometimes the  
question is "what is the right thing to do." Variances are  
granted because sometimes variances are the right thing to do.  
When it gets here because someone is aggrieved, and they have  
a legal reason to object to what is proposed, this Board has  
very little opportunity, if any, to consider merits of what is  
the right thing to do versus what is the legal thing to do.

I indicated to you that I am not an attorney nor are my  
colleagues, but despite that, the Board, in its experience as  
panel members as well as participants in prior life before  
coming to the Board, may have had exposure to the differences.  
I agree with you that what is proposed is preferable to what

#### Deliberation /Salvatore M. Zumbo, et ux /Case No. 97-28-A

you were talking about in the line of Mr. Keys' testimony.  
But the zoning regulation draws distinctions between what is  
legally allowed attached garage. Why it does that is not for  
the Board to say. The County Council enacts regulations and  
statutes, and the Board is left with the task of interpreting  
regulations and statutes where issues are debatable in the  
light of the law.

Having said all that, and having provided the opportunity to  
address the issue of uniqueness as a pro se litigant in this  
case, and my attempt to provide some guidance as to how the  
case had to proceed for uniqueness, and practical difficulty  
and unreasonable hardship, and granting a variance would be in  
the spirit and intent of the zoning regulations, I have to  
side with Mr. Tanczyn in his characterization that the  
property is not unique. I do not find the property unique.  
So Cromwell says we stop right there. I agree that what you  
propose is preferable to a detached garage, but in light of  
the law, I have to say it is not legal.

Assuming, in arguendo, that the property is unique, then  
practical difficulty and unreasonable hardship come into  
question, and, again, we have the issue of whether or not you  
already enjoy full use of the property. On the stand, you  
indicated that at the time of purchase, you had two children.  
You still have two children. You enjoy the property as at the  
time of purchase, so the question of unreasonable hardship is  
not met.

The question of practical difficulty is also addressed by the  
fact that it is entirely possible, maybe not probable, but  
entirely possible that relief is not the minimum relief  
necessary, and that you could potentially build a garage  
adjacent to where you currently have a garage, and there is  
certainly nothing stopping anyone from going vertical on a  
one-story building.

There's nothing to support an argument for practical  
difficulty or unreasonable hardship.

But assuming, in arguendo, that you met those tests -- is it  
within the spirit and intent of the zoning regulations? I  
don't see where, because you have had full use of the  
property. The spirit and intent of the zoning regulations is  
to foster development and foster development in such a fashion  
not impacting upon other, in a fashion which is consistent  
with the zoning classification. We do not have that here  
either.

I apologize if it sounds as though I am being terse, but I  
have a narrow view of what is being considered, and that is  
the tests prescribed in what Cromwell and the tests themselves  
indicated in 307.1 of the BCZR. And so I don't know if I have

#### Deliberation /Salvatore M. Zumbo, et ux /Case No. 97-28-A

said enough or too much, but I tried to allow you to put on  
your case, more than that for pro se litigant. But for all  
the reasons, I would grant the Motion to deny Petition for  
Variance.

CLM: Normally when I chair a case like this, and such a Motion is  
made that, according to the law, there is not enough  
documentation to support the Petitioner's case, I normally  
would deny those motions, preferring to hear both sides and  
viewpoints, and read in greater depth my notes and the  
evidence produced at hearing. This case is a little different  
-- as I have sat here for almost 3 hours taking notes and  
listening to testimony and evidence, I find it compelling that  
the Petitioner, while presenting a fine case, even an attorney  
could not have presented it more convincingly, has not met the  
burden upon the Petitioner according to the law that we could  
grant the variance.

At one time in Baltimore County, variances were easily  
granted. But the law, as it has progressed, has changed  
dramatically. And while it is true that the Deputy Zoning  
Commissioner or Zoning Commissioner may see things differently  
than this Board, this Board is constrained to look at the  
evidence and testimony, and examine in the light that if the  
decision is appealed to the Circuit Court, then what we decide  
will be scrutinized by a judge at a higher level.

Guidelines include the laws of Baltimore County, but we are  
also guided by the law which comes down from the Court of  
Special Appeals and the Court of Appeals -- the laws of the  
State. It's not a question of what we would like to do but  
what the Court directs us to do. Cromwell v. Ward, which I  
have read many, many times -- I may not necessarily agree with  
the total decision, but is the law of the State; imposed upon  
us and Circuit Court judges -- variances are to be granted  
minimally in Baltimore County and throughout the whole State.

The conditions to be met are first the uniqueness or unusual  
test -- unless proven to be unique or unusual -- question of  
size, shape, historical content, topography -- that runs with  
the land, then the zoning authority cannot grant the variance.  
While I think the Petitioner has presented convincing case, I  
do not believe the standards imposed on us prove unusual or  
unique. It's not different from other corner properties in  
the community.

Having not met that burden, we are not constrained to go any  
further. If we were to move into that issue -- the house was  
purchased in 1989, and there was the same family situation as  
the present time. You get what you buy. When purchasing  
property, one should realize it may not be adequate for future  
needs. Testimony produced that the present driveway was not  
used because of storage. That was condition of property when

#### Deliberation /Salvatore M. Zumbo, et ux /Case No. 97-28-A

purchased.

The evidence and testimony does not support granting of  
variance by Baltimore County statute and the guidelines set  
forth. I would deny the variance.

MW: I would absolutely concur with my colleagues for the very same  
reasons. Lots of reasons and circumstances by which they were  
given in the past, and that was the reason why the higher  
courts set forth a clear standard by which variances may be  
granted. As Mr. Marks said, only under certain circumstances  
-- circumstances under which we must judge the quality of  
uniqueness, and I agree that certainly what the Petitioners  
said in attempting to prove that case was germane to what they  
wish to do, but as everyone seemed to agree, there are  
numerous other corner lots in the same configuration.

Therefore, this lot is really not at all unique. And once we  
are to that point, by Cromwell v. Ward we need go no further.  
If we were, for the sake of argument, I think whether or not  
the Petitioners would like to choose from the other options  
that may be permitted to do, that I would agree with my  
colleagues that the request for variance must be denied.

ROS: Before we adjourn, I wanted to mention one or two other  
issues. As my colleague, Mr. Marks, indicated, in the past  
variances had been granted more freely than they are these  
days, and a lot of it is the result of Cromwell v. Ward -- and  
the strict nature of the opinion that the Court provided. And  
as Mr. Marks indicated, we may not agree just how strict it  
has to be, but we concur that the variance must be viewed as  
resting with the land as opposed to a special exception, which  
is essentially permission to obtain a use. And a variance  
necessitated by a personal need is essentially, in the eyes of  
the Court, something which is simply not allowed. Why?  
Because a variance does go with the land. The variance will  
still be there, even when you are not.

Time may change things, but this Board has nowhere to move on  
the interpretation as set down by the Court.

Having said all that, we can, concurring, set forth a written  
opinion and order. Any Petition for Judicial Review comes  
from that date and not today's date.

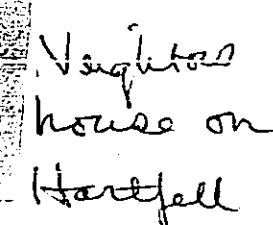
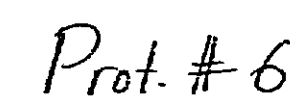
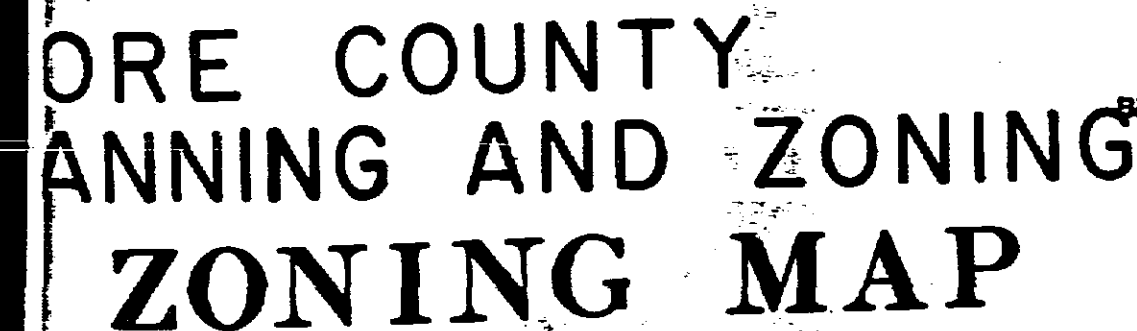
Thank you very much. \* \* \* \* \*

Respectfully submitted,  
*Kathleen C. Bianco*  
Kathleen C. Bianco  
Legal Administrator



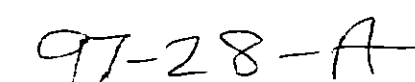




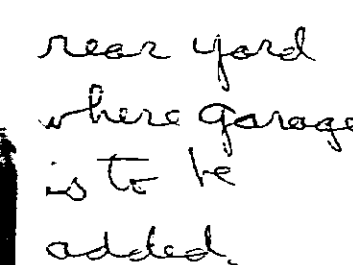


rear yard  
where garage  
is to be  
added

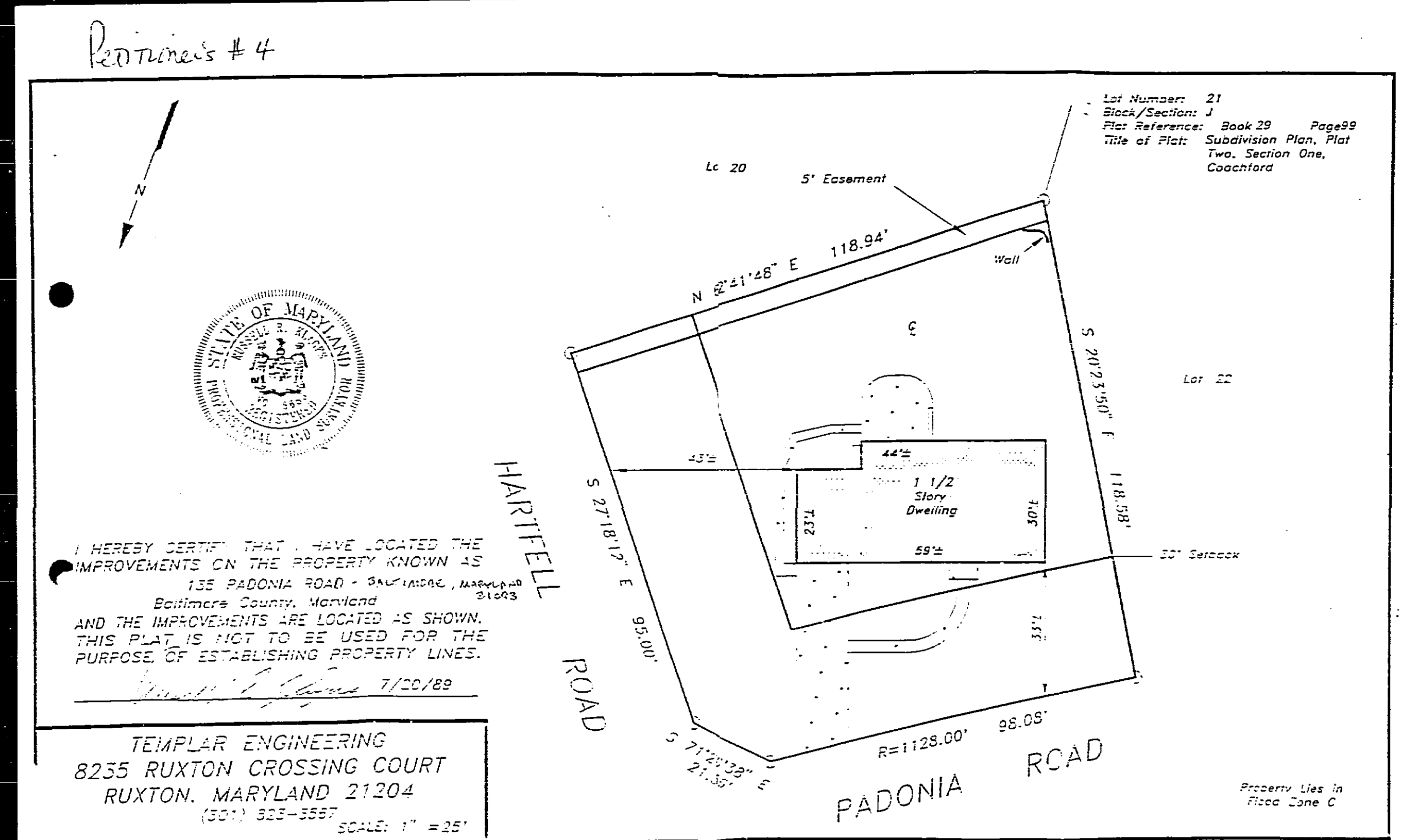
LABORER'S  
2A



near yard  
where garage  
is to be  
added.



Pet. # 2 B





PROTESTANTS' EXHIBIT 5 *find*  
PHOTOGRAPHS TAKEN 3/97



*Plot #7 - find only*

PROTESTANTS' EXHIBIT 7  
PHOTOGRAPHS TAKEN 3/97



*Plot #8*

TIME: 08:44:54  
DATE: 03/20/95  
PANEL BP1003M  
AUTOMATED PERMIT TRACKING SYSTEM  
GENERAL PERMIT APPLICATION DATA  
LAST UPDATE 03/20/95  
PLD 10:26:08

PERMIT #: B228538  
RECEIPT #: A246672  
CONTROL #: MR  
XREF #: B228538

PROPERTY ADDRESS  
2308 POT SPRING RD  
SUBDIV: SPRINGLAKE  
TAX ACCOUNT #: 0808006330 DISTRICT/PRECINCT 08 12  
OWNERS INFORMATION (LAST, FIRST)  
NAME: POLEY, THOMAS & JEAN C.  
ADDR: 2308 POT SPRINGS RD. 21093

FEE: 63.00  
PAID: 63.00  
PAID BY: APPL

DATES  
APPLIED: 03/20/95  
ISSUED: 03/20/95  
OCCPNY: 03/20/95

APPLICANT INFORMATION  
NAME: TOM KELLY  
COMPANY: R & K ENTERPRISES  
ADDR1: 14202 BALDWIN MILL RD.  
ADDR2: 21013  
INSPECTOR: 08R  
PHONE #: 592-9201  
LICENSE #: 30082

NOTES: JP

PASSWORD :  
ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE  
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

*Plot #10*

TIME: 08:47:31  
DATE: 10/20/94  
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PLN 09:54:35

PERMIT #: B215980  
RECEIPT #: A235463  
CONTROL #: MR  
XREF #: B215980

PROPERTY ADDRESS  
120 TREGARONE RD  
SUBDIV: COACHFORD  
TAX ACCOUNT #: 0818051560 DISTRICT/PRECINCT 08 12  
OWNERS INFORMATION (LAST, FIRST)  
NAME: MARPHY, SUSAN  
ADDR: 120 TREGARONE RD 21093

FEE: 55.00  
PAID: 55.00  
PAID BY: APP

DATES  
APPLIED: 10/20/94  
ISSUED: 10/20/94  
OCCPNY: 10/20/94

APPLICANT INFORMATION  
NAME: J A ARSUSZEKI  
COMPANY: ARIES ELDRS  
ADDR1: 1131 ENGLEBERTH RD  
ADDR2: 21221  
INSPECTOR: 08R  
PHONE #: 391-5570  
LICENSE #: 12369

NOTES: VLC/DLS

PASSWORD :  
ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE  
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

*Plot #11*

PERMIT #: B239583  
RECEIPT #: A258488  
CONTROL #: MR  
XREF #: B239583

PROPERTY ADDRESS  
128 E PADONIA RD  
SUBDIV: COACHFORD  
TAX ACCOUNT #: 0823884560 DISTRICT/PRECINCT 08 11  
OWNERS INFORMATION (LAST, FIRST)  
NAME: DEMWACK, BERRY & DENISE  
ADDR: 128 E PADONIA RD 21093

FEE: 55.00  
PAID: 55.00  
PAID BY: APPL

DATES  
APPLIED: 06/26/95  
ISSUED: 06/26/95  
OCCPNY: 06/26/95

APPLICANT INFORMATION  
NAME: MELODY CRANSTON  
COMPANY: DOUBLE EAGLE REMODELING INC  
ADDR1: 1339 SUBVALE RD  
ADDR2: BALTO HY 21208  
INSPECTOR: 08R  
PHONE #: 668 5851  
LICENSE #: 47250

NOTES: RK/SMD

PASSWORD :  
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PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 08:26:47  
DATE: 04/15/97  
PANEL BP1004M  
AUTOMATED PERMIT TRACKING SYSTEM  
BUILDING DETAIL 1  
LAST UPDATE 06/26/95  
PLF 13:53:11

PERMIT #: B239583  
PLANS: CONST 00 PLOT 1 PLAT 0 DATA 0 EL 1 PL 2  
TENANT  
CONTR: DOUBLE EAGLE REMODELING INC  
ENGR: SELLER

BUILDING CODE: 1  
IMPRV 2  
USE 01

FOUNDATION BASE  
CONSTRUC FUEL SEWAGE WATER  
1E 1E

CENTRAL AIR  
ESTIMATED COST  
18,000  
OWNERSHIP: 1  
RESIDENTIAL CAT: 1  
#EFF: #1BED: #2BED: #3BED: 101 BED: 101 APIS:  
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE  
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU  
PANEL BP1005M

TIME: 08:26:36  
DATE: 04/15/97  
PANEL BP1005M  
AUTOMATED PERMIT TRACKING SYSTEM  
BUILDING DETAIL 2  
LAST UPDATE 06/26/95  
PLF 13:53:11

PERMIT #: B239583  
BUILDING SIZE  
FLOOR: 450  
WIDTH: 29'  
DEPTH: 15'  
HEIGHT: 12'  
STORIES:  
KITCHENS:  
LOT NOS: 1  
CORNER LOT: N

ZONING INFORMATION  
DISTRICT:  
PETITION:  
DATE:  
FOLIO: 099  
MAP:  
CLASS: 04

ASSESSMENTS  
LAND: 0056170.00  
IMPROVEMENTS: 0120730.00  
TOTAL ASS.:  
ASSESSMENTS

PLANNING INFORMATION  
MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:  
ENTER - PERMIT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE  
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU  
PANEL BP1003M

TIME: 08:26:28  
DATE: 03/29/95  
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AUTOMATED PERMIT TRACKING SYSTEM  
GENERAL PERMIT APPLICATION DATA  
LAST UPDATE 03/23/95  
PLC 15:28:04

*Plot #12*

TIME: 08:43:27  
DATE: 04/15/97  
PANEL BP1003M  
AUTOMATED PERMIT TRACKING SYSTEM  
GENERAL PERMIT APPLICATION DATA  
LAST UPDATE 03/23/95  
PLC 13:20:04

PERMIT #: B228952  
RECEIPT #: A246706  
CONTROL #: MR  
XREF #: B228952

PROPERTY ADDRESS  
2209 STRYKER CT  
SUBDIV: SPRINGLAKE  
TAX ACCOUNT #: 0801075030 DISTRICT/PRECINCT 08 12  
OWNERS INFORMATION (LAST, FIRST)  
NAME: COLEMAN, JOHN R. & SANDRA L.  
ADDR: 2209 STRYKER CT., 21093

FEE: 55.00  
PAID: 55.00  
PAID BY: APPL

DATES  
APPLIED: 03/23/95  
ISSUED: 03/23/95  
OCCPNY: 03/23/95

APPLICANT INFORMATION  
NAME: CHRISTINE SCHWARTZ  
COMPANY: BEL AIR CONSTRUCTION  
ADDR1: 1464 ROCK RIDGE RD  
ADDR2: BARRETSVILLE, MD. 21087  
INSPECTOR: 08R  
PHONE #: 557-9838  
LICENSE #: 16823

NOTES: JP/VLC

PASSWORD :  
ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE  
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY



Pet. #7

97-28-R  
Zumbo

# ADDITIONS ON CORNER LOT

100 E. Padonia Rd  
Mr. and Mrs. John Palios  
Two car garage addition  
completed in 1995 26' x 25'  
Distance of ten feet from property line



97-28-R  
Zumbo

## GRADUAL VIEW OF SOUTHEAST CORNER OF 135 EAST PADONIA ROAD



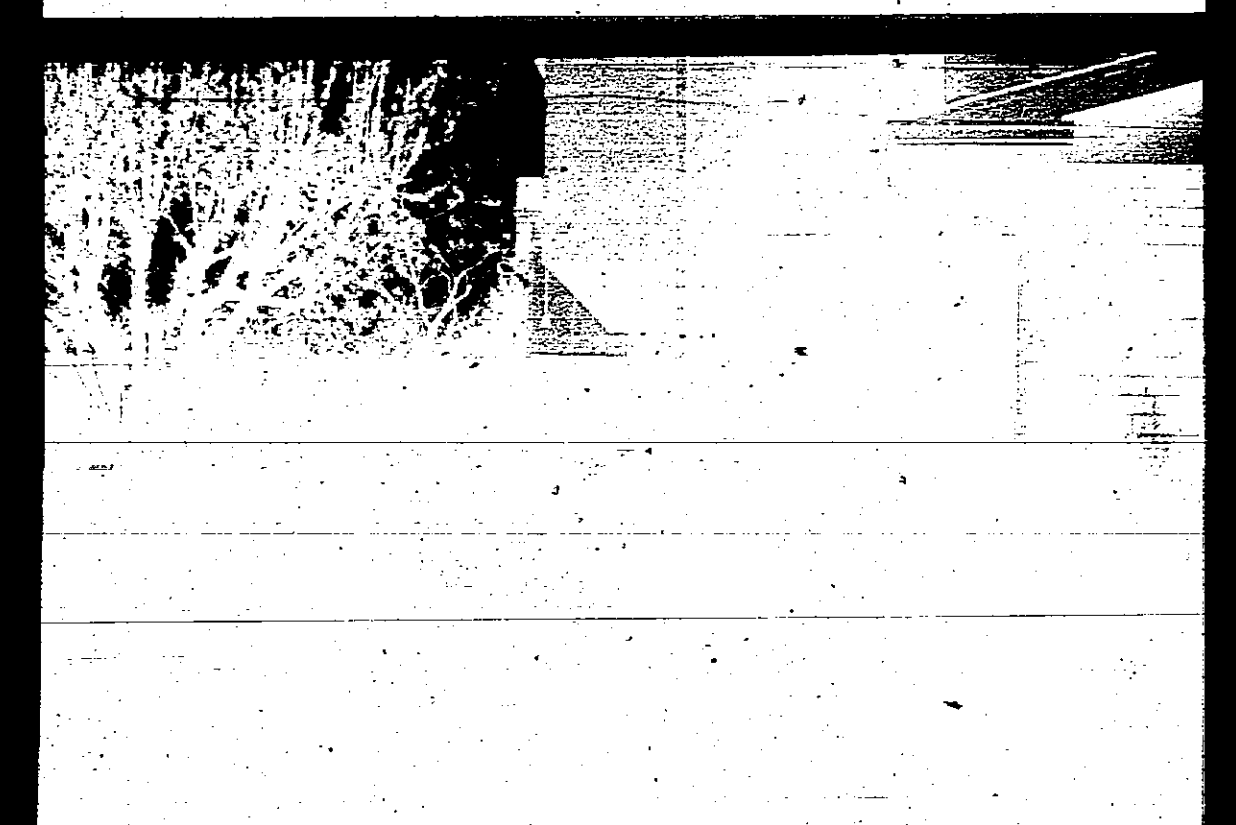
Sideview of property,  
taken from Hartfell Rd.  
Photo also shows the garage  
of the Knapicks to the left  
of petitioner's property.



Same view of property taken  
from closer range.



View of southeast area where  
addition will be built.



Close up of southeast  
corner of property.

Petitioner's Exhibit # 3

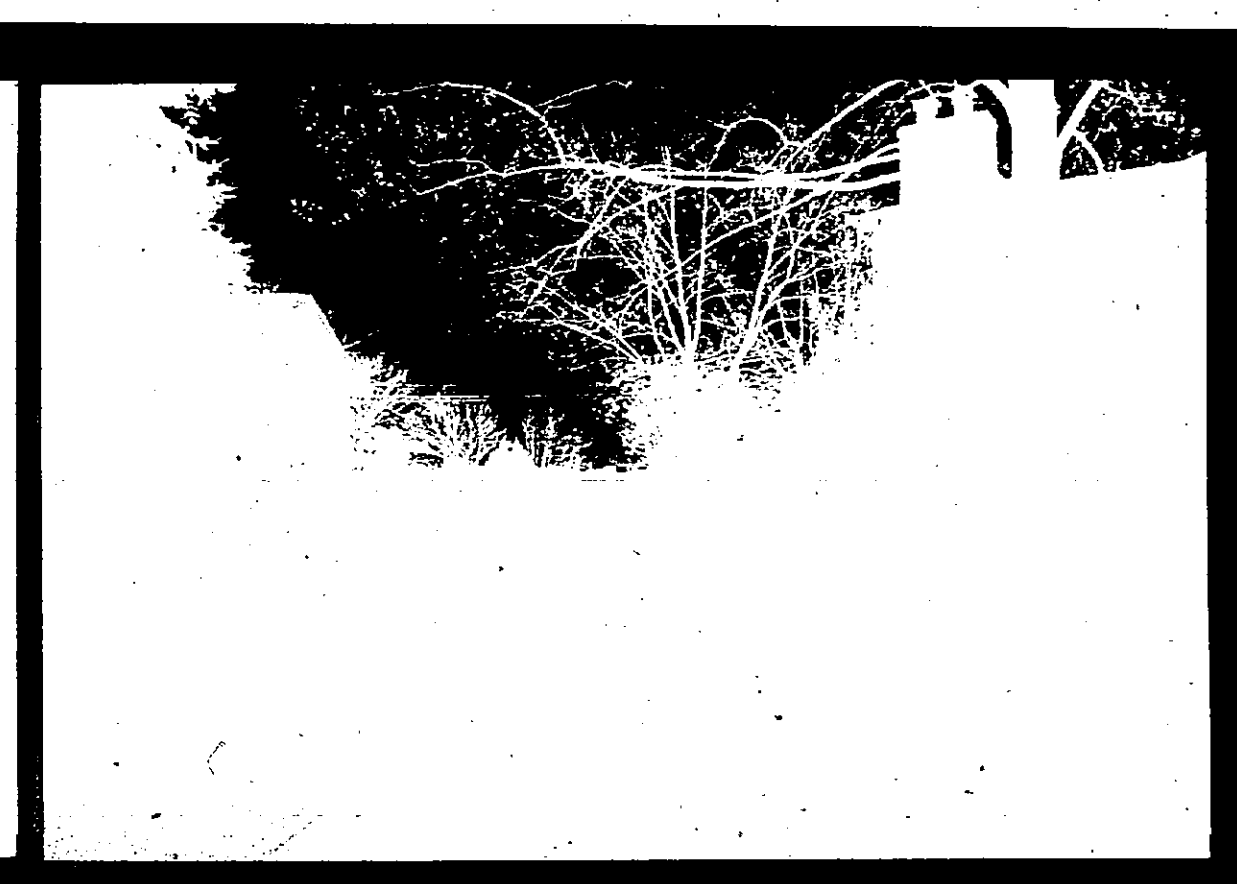
Pet. #9

97-28-R  
Zumbo

# ADDITIONS ON CORNER LOT



2309 Eastridge and Hartfell Rd  
Mr. and Mrs. Robert Erich  
Two story addition completed in 1990  
20' x 25' 14 feet rear yard setback  
administrative variance granted



2308 Pot Spring Rd and Girdwood  
Mr. and Mrs. Thomas Foley  
Two car garage addition  
plus addition in back  
69' x 28' x 16' 1,212 sq.ft.  
completed in 1995



2439 Chetwood Circle  
Dr. and Mrs. Dennis Lambrow  
Two story garage addition  
plus family room addition  
20' x 48'  
currently under construction





97-28-A  
Zumbo

Pet. #13

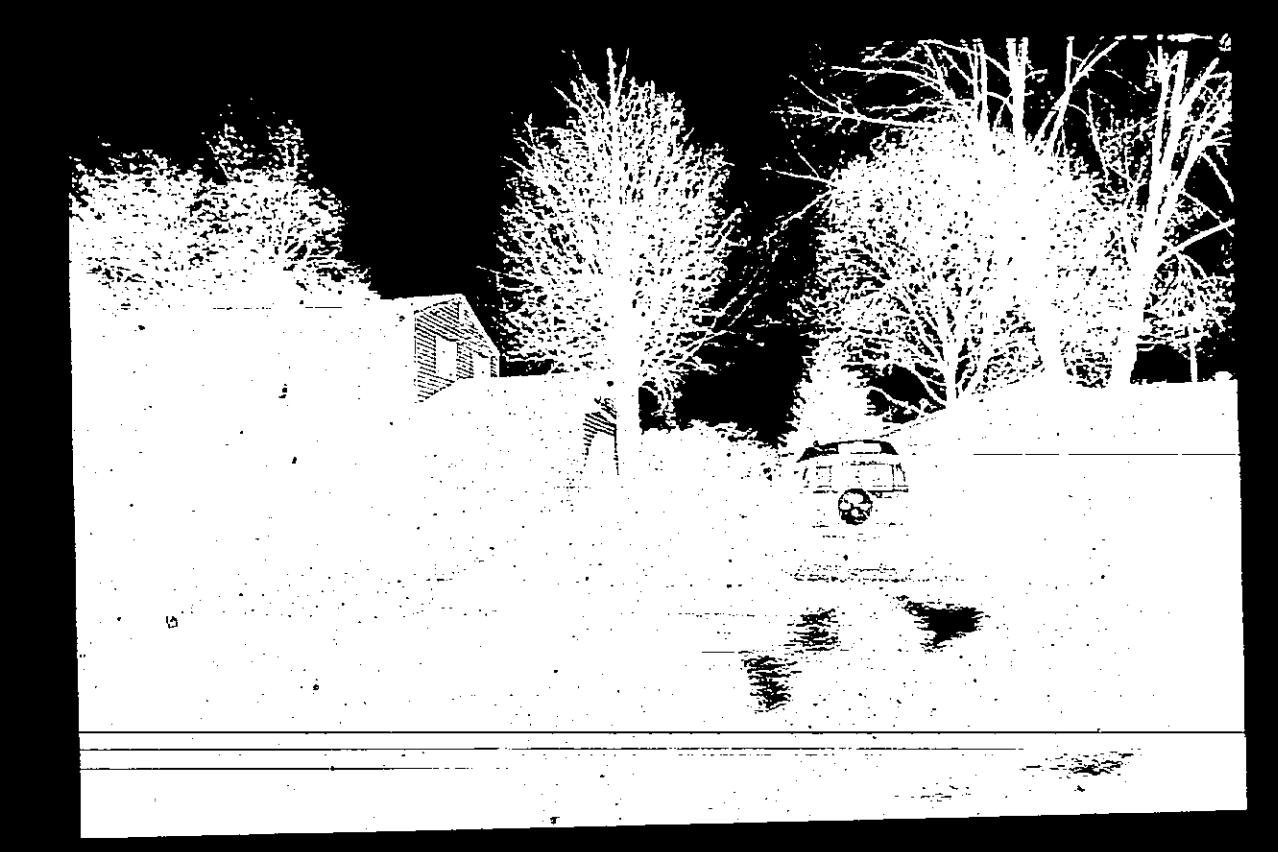
# DISTANCE BETWEEN PROPERTIES



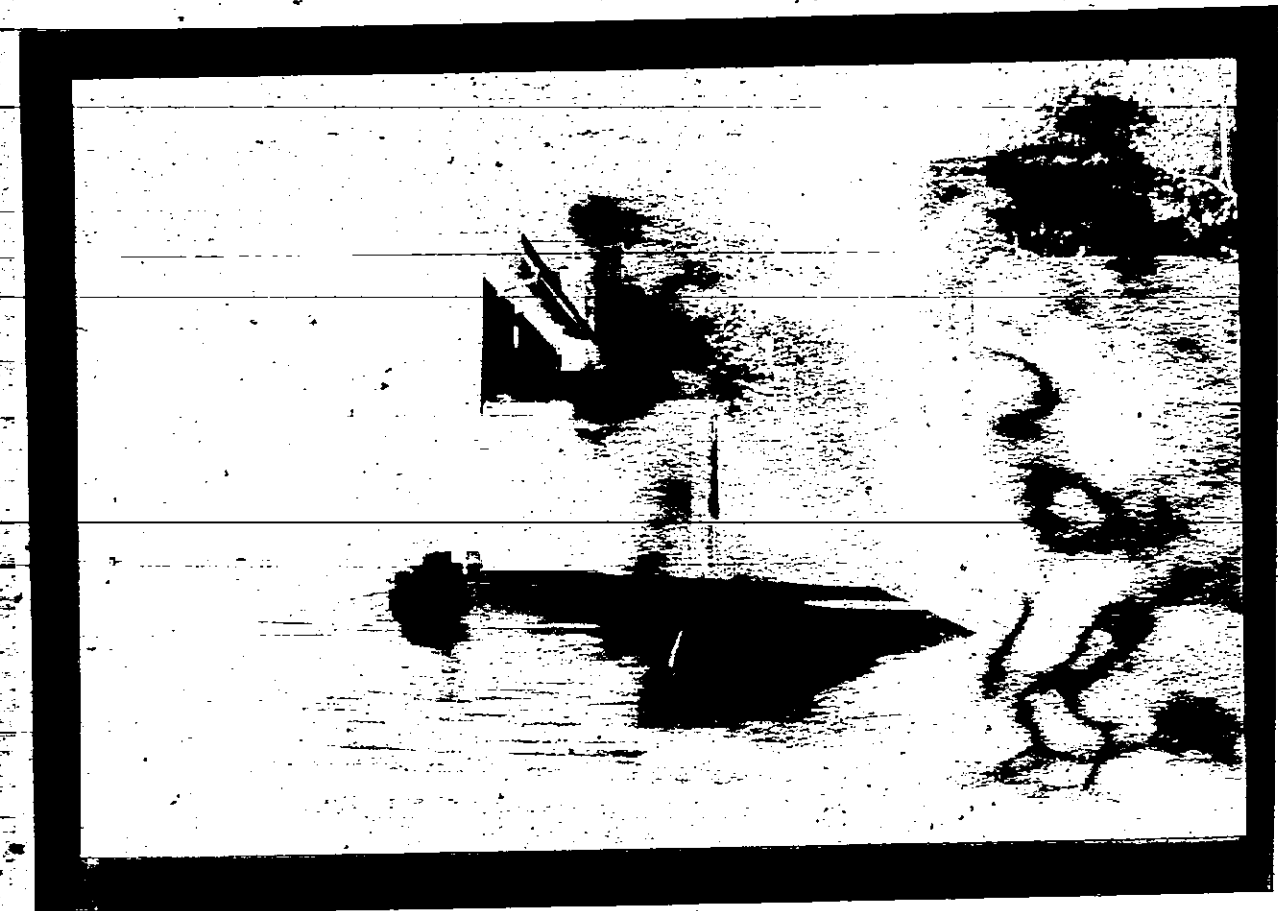
2431 Hartfell Rd  
Mr. and Mrs. Stanley Adamiak  
and  
2429 Hartfell Rd  
Mr. and Mrs. Lee Kolakowski



2429 Hartfell Rd  
and  
2427 Hartfell Rd  
Mr. and Mrs. Gilbert Hoffman



2427 Hartfell Rd  
and  
2425 Hartfell Rd  
Mr. Earl Wilhite



120 Tregarone Rd  
Mrs. Murphy  
and  
122 Tregarone Rd  
Mr. and Mrs. A. Muller

97-28-A  
Zumbo

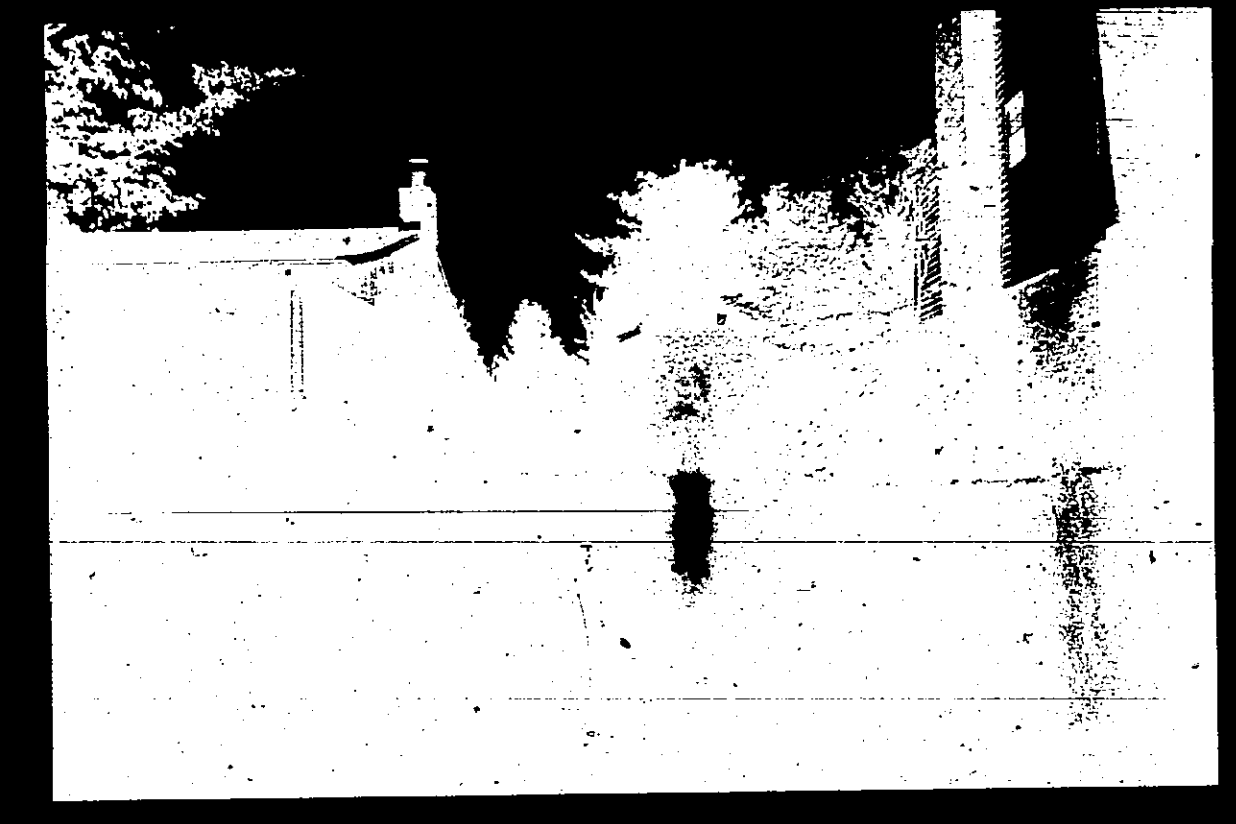
# DISTANCE BETWEEN PROPERTIES

Padonia Rd

Pet. #14



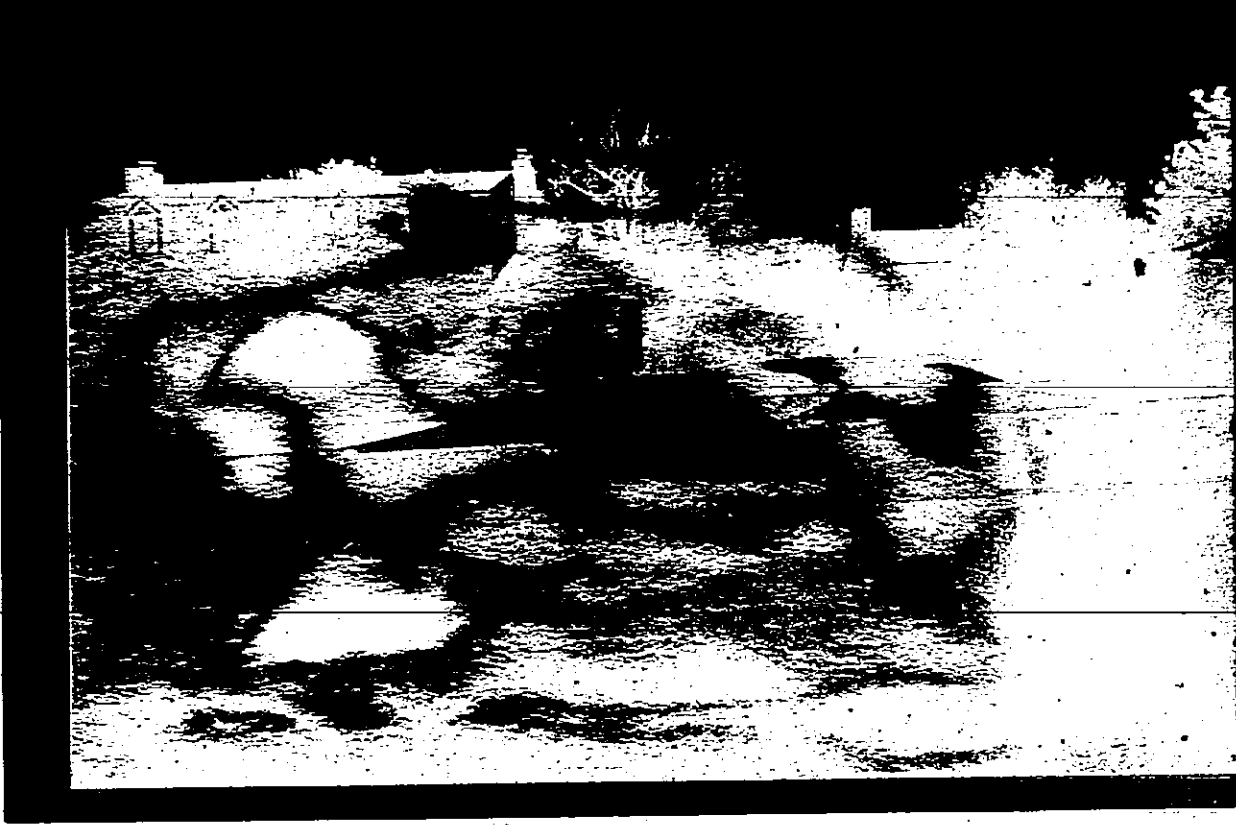
135 East Padonia Rd  
Mr. and Mrs. Salvatore Zumbo  
and  
133 East Padonia Rd  
Mr. and Mrs. Vincent Alimo



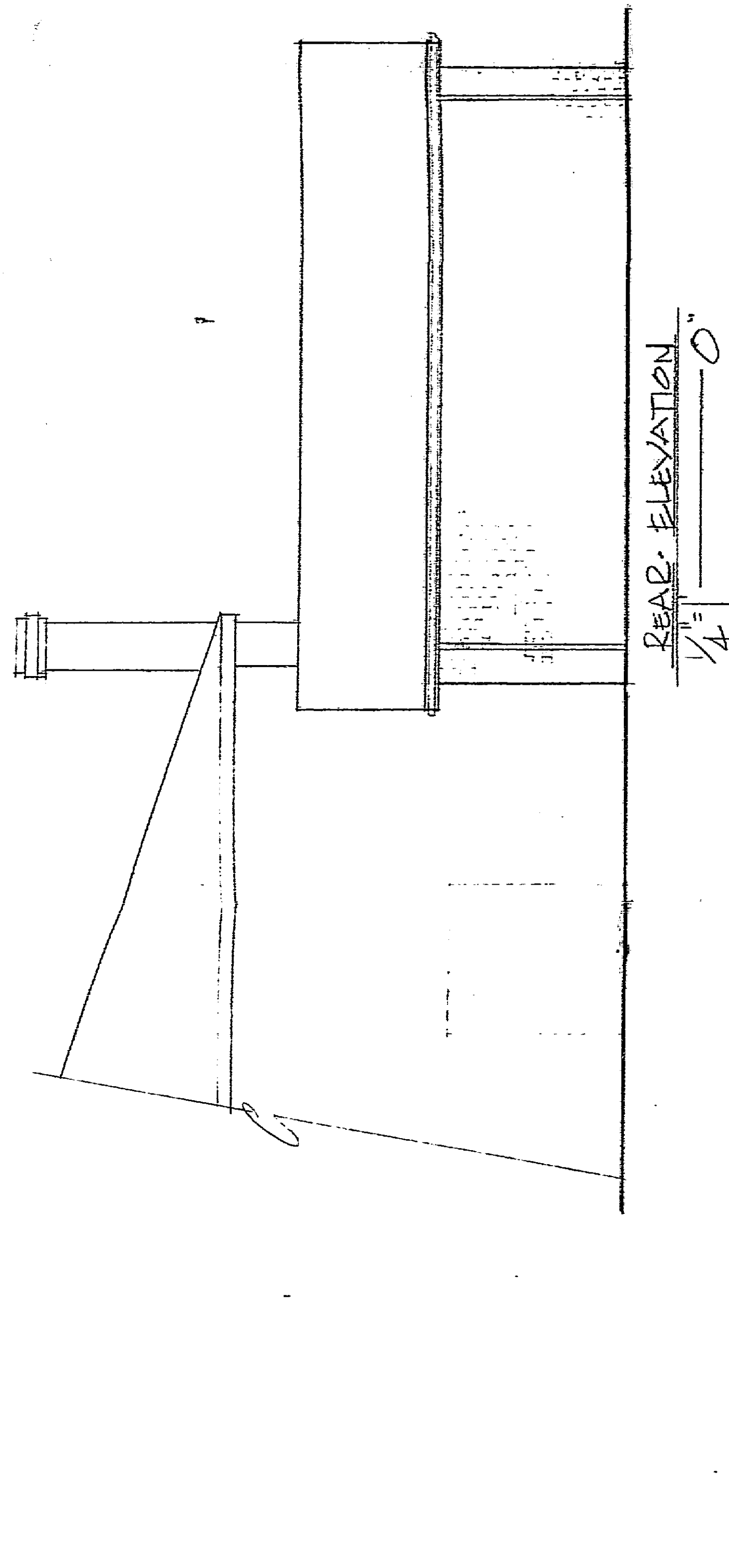
133 East Padonia Rd  
and  
131 East Padonia Rd  
Mr. and Mrs. Oscar Keys



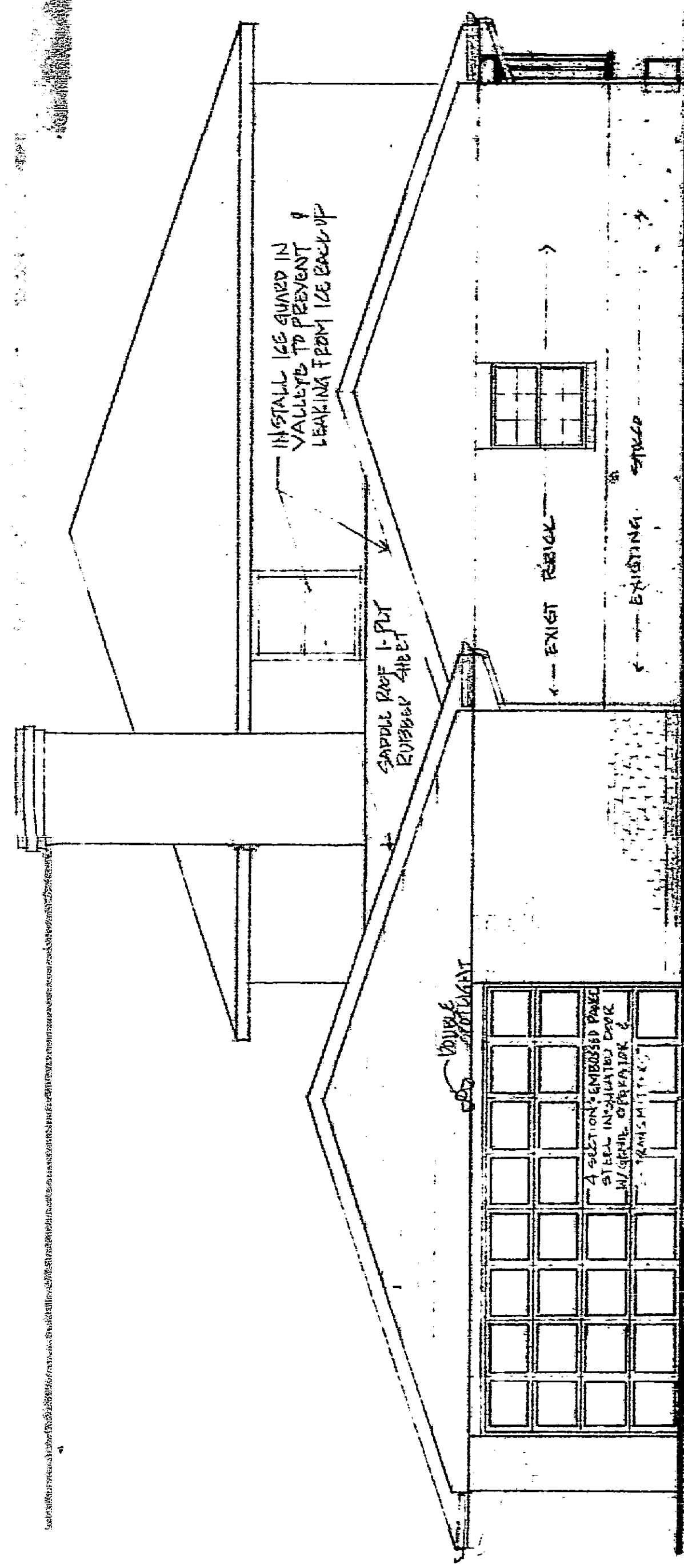
131 East Padonia Rd  
and  
129 East Padonia Rd  
Mr. and Mrs. Dennis McGough





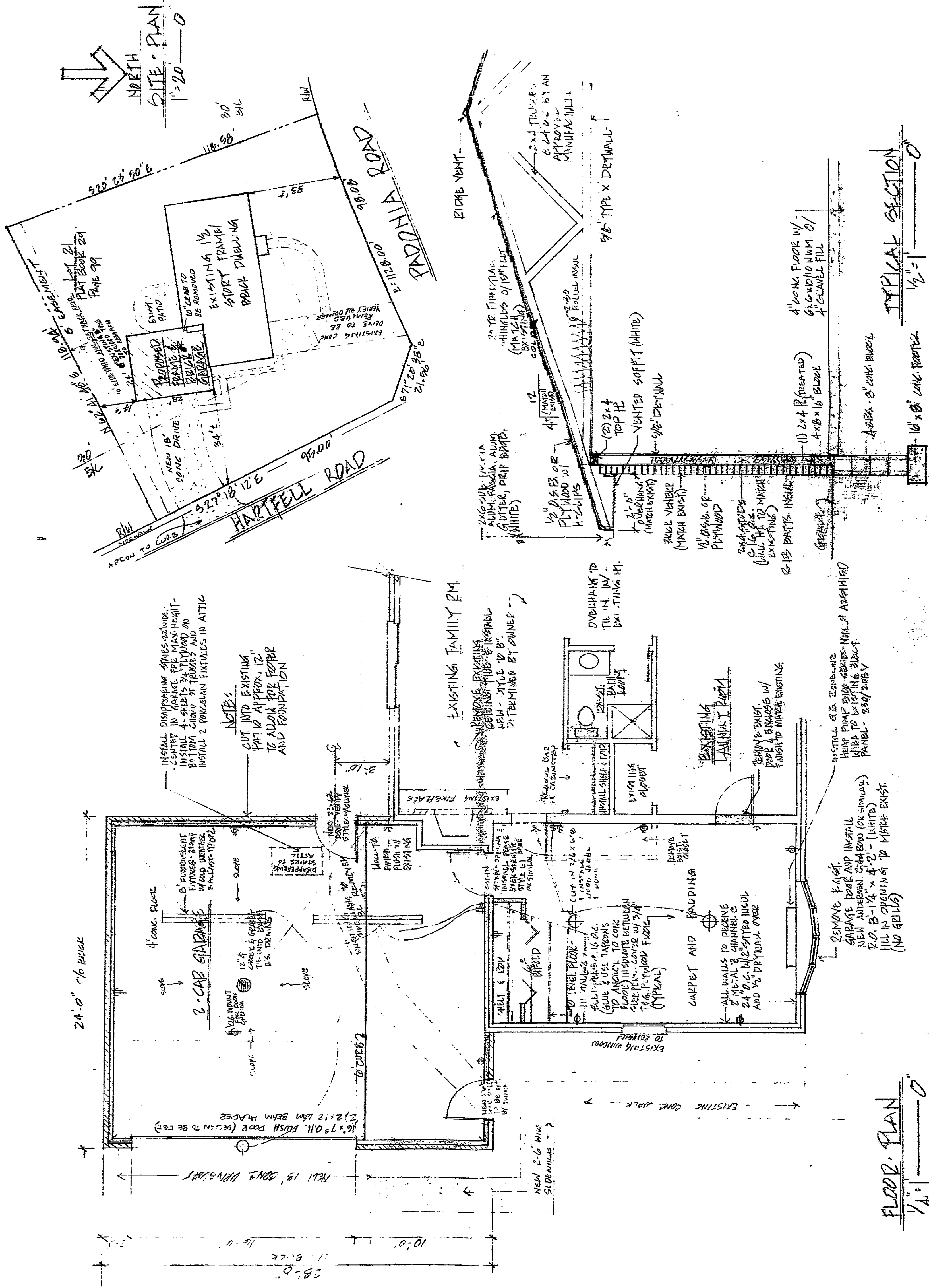


REAR ELEVATION  
1/4" = 0'



SIDE ELEVATION  
1/4" = 0'

Pd. #6  
560-3148  
59-9000/51  
PROPOSED GARAGE AND  
INTERIOR ALTERATIONS FOR  
DE. A. MESA SALVATORE ZUMBO  
3835 PARKWAY ROAD  
BALTIMORE, MARYLAND 21093  
PLANS BY  
DAN MARZETTA CONSTRUCTION CO., INC.  
595 N. WASHINGTON AVE.  
ARLINGTON, VA 22203 (202) 668-4800

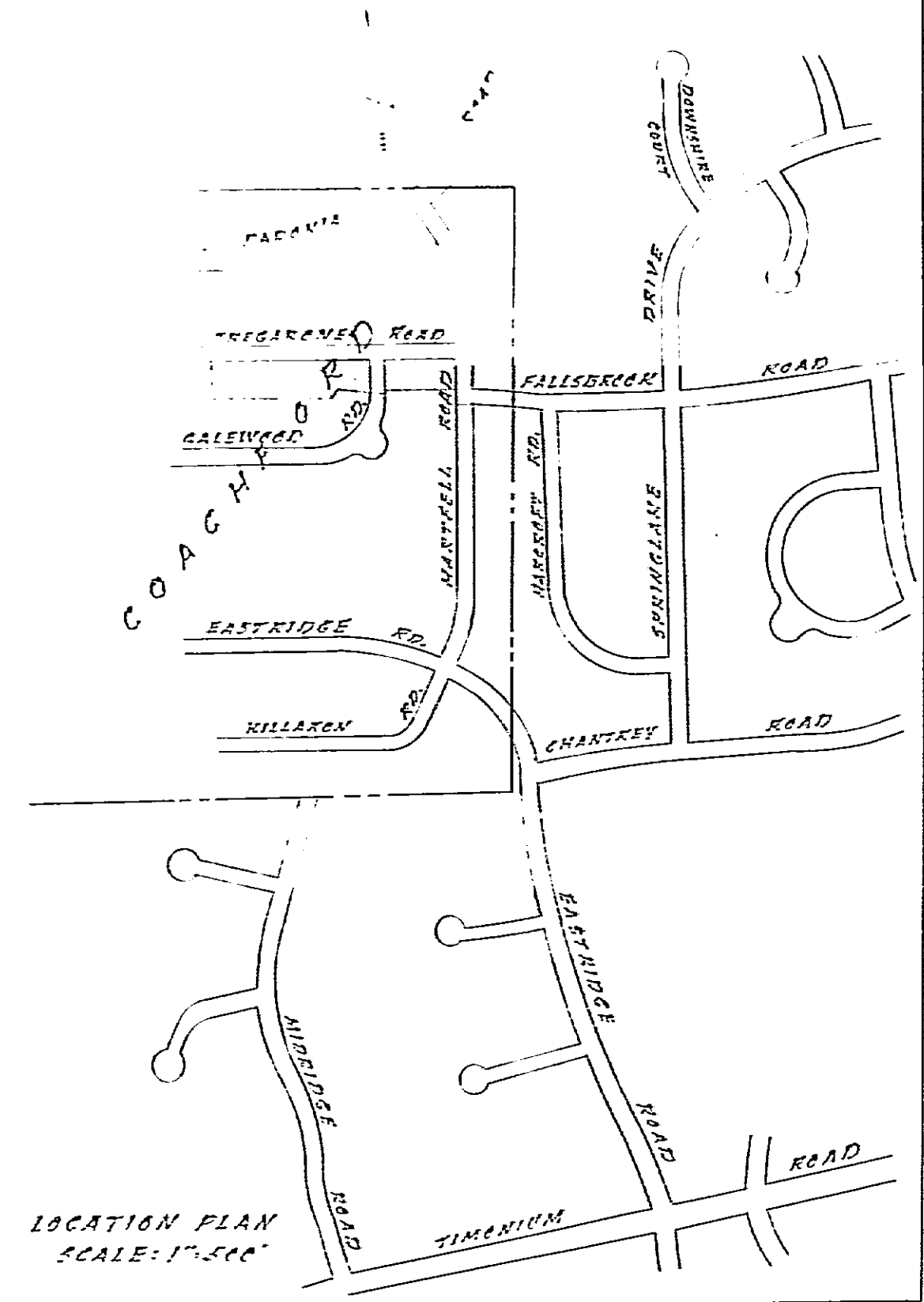


SITE PLAN  
1" = 20' - 0'

FLOOR PLAN  
1/4" = 0'

TYPICAL SECTION  
1/2" = 1' - 0'



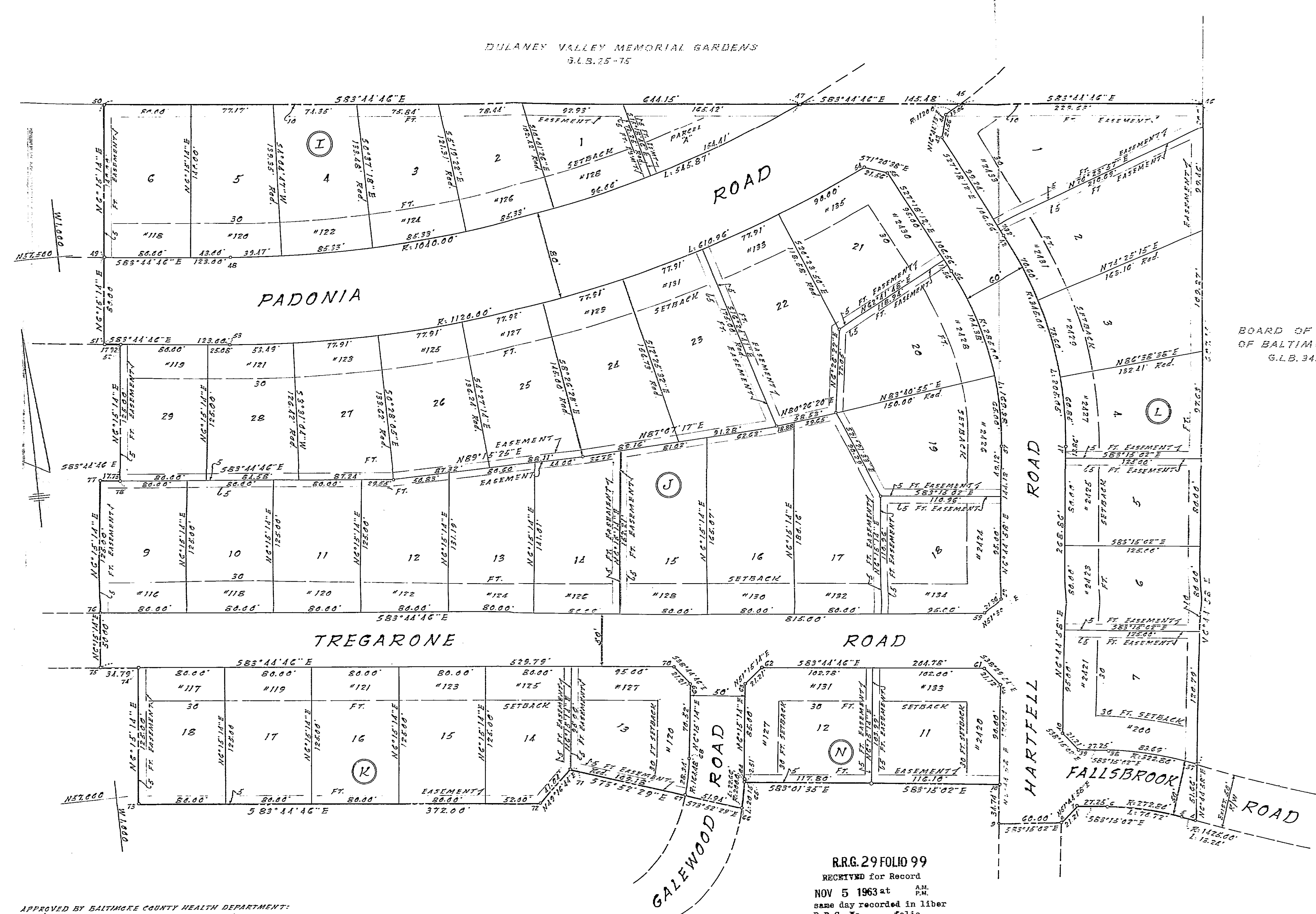


COORDINATES			
N	W	E	S
1	12.12	56.876.00	234.85
2	25.52	56.875.00	185.97
3	55.50	56.872.00	156.00
4	120.50	56.866.10	175.14
5	137.01	56.862.00	182.81
6	197.15	56.850.00	182.84
7	193.17	56.824.32	185.29
8	7.71	56.824.11	395.25
9	86.82	56.812.00	415.79
10	115.68	56.805.75	425.05
11	128.21	56.802.41	425.34
12	96.01	56.799.10	426.79
13	122.06	56.795.50	426.67
14	181.54	56.792.89	425.18
15	175.55	56.785.55	425.50
16	161.02	56.780.00	426.77
17	306.63	56.765.91	583.50
18	841.03	56.748.57	618.66
19	961.26	56.749.92	794.14
20	248.55	56.751.18	970.83
21	972.91	56.747.79	1,005.41
22	552.14	56.741.44	999.96
23	250.65	56.740.99	986.34
24	255.29	56.732.77	966.75
25	64.75	56.725.45	

CURVE DATA			
STATION	RADIUS	ARC	CH.
1	1475.00	0°51'57"	15.24
2	272.00	1°57'16"	7.07
3	512.00	1°57'16"	8.50
4	315.00	5°43'12"	28.05
5	1100.00	0°40'05"	13.00
6	1000.00	0°41'04"	13.00
7	1100.00	0°41'04"	13.00
8	1100.00	0°41'04"	13.00
9	1100.00	0°41'04"	13.00
10	1100.00	0°41'04"	13.00
11	1100.00	0°41'04"	13.00
12	1100.00	0°41'04"	13.00
13	1100.00	0°41'04"	13.00
14	1100.00	0°41'04"	13.00
15	1100.00	0°41'04"	13.00
16	1100.00	0°41'04"	13.00
17	1100.00	0°41'04"	13.00
18	1100.00	0°41'04"	13.00
19	1100.00	0°41'04"	13.00
20	1100.00	0°41'04"	13.00
21	1100.00	0°41'04"	13.00
22	1100.00	0°41'04"	13.00
23	1100.00	0°41'04"	13.00
24	1100.00	0°41'04"	13.00
25	1100.00	0°41'04"	13.00

**CERTIFICATION:**  
 Certification is hereby made that this plat was computed by Donald L. Brown and that it meets the requirements of Section 72-B Article 17 of the Annotated Code of Maryland 1967 Supplement.

*Donald L. Brown*  
 REG. NO. 3423



APPROVED BY BALTIMORE COUNTY HEALTH DEPARTMENT:  
*Dr. [Signature]* 10/31/63  
 DEPUTY STATE AND COUNTY HEALTH OFFICER

APPROVED AS TO ALIGNMENT AND LOCATION OF STREETS:  
*[Signature]* 10/31/63  
 ROAD ENGINEER OF BALTO. CO. MD.

APPROVED BY BALTIMORE COUNTY PLANNING BOARD:  
*[Signature]* 10/31/63  
 CHAIRMAN

**OWNERS CERTIFICATE:**  
 Certification is hereby made that all the requirements of the Annotated Code of Maryland Chapter 1016 of 1965 have been complied with on this plat.

*[Signature]*  
 DONALD L. BROWN - COACHFORD INC.

P.W.A. Completed 8/31/63  
 Final Plat Checked  
 Planning E.G. 10/10/63  
 Engineering R.M. 5/2/64  
 Date 10/20/63 10/21/63

**NOTES:**  
 The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use, the fee simple title to the beds thereof is expressly reserved in the Grantors of the deed to which this plat is attached, their heirs and assigns.  
 Coordinates are referred to by reference of Baltimore County Metropolitan District and are based on points (United S.R.M.)  
 All easements shown are for utilities and drainage.  
 Outline data taken from plat prepared by G.W. Stephens & Co. Associates Inc.

**LEGEND:**  
 Outline of plat shown thus: \_\_\_\_\_  
 Boundary of roads shown thus: \_\_\_\_\_  
 Lot lines shown thus: \_\_\_\_\_  
 Lot numbers shown thus: 15  
 House numbers shown thus: 2430  
 Block numbers shown thus: 10  
 Coordinate numbers shown thus: 56.876.00  
 Easements for utilities & drainage shown thus: 15 FT. EASEMENT  
 Setback lines shown thus: \_\_\_\_\_

R.R.G. 29 FOLIO 99  
 RECEIVED for Record  
 NOV 5 1963 at AM  
 same day recorded in liber  
 R.R.G. No. \_\_\_\_\_ folio  
 One of the \_\_\_\_\_ Records of  
 Baltimore County and ex-  
 amined, per  
*[Signature]*  
 Clerk

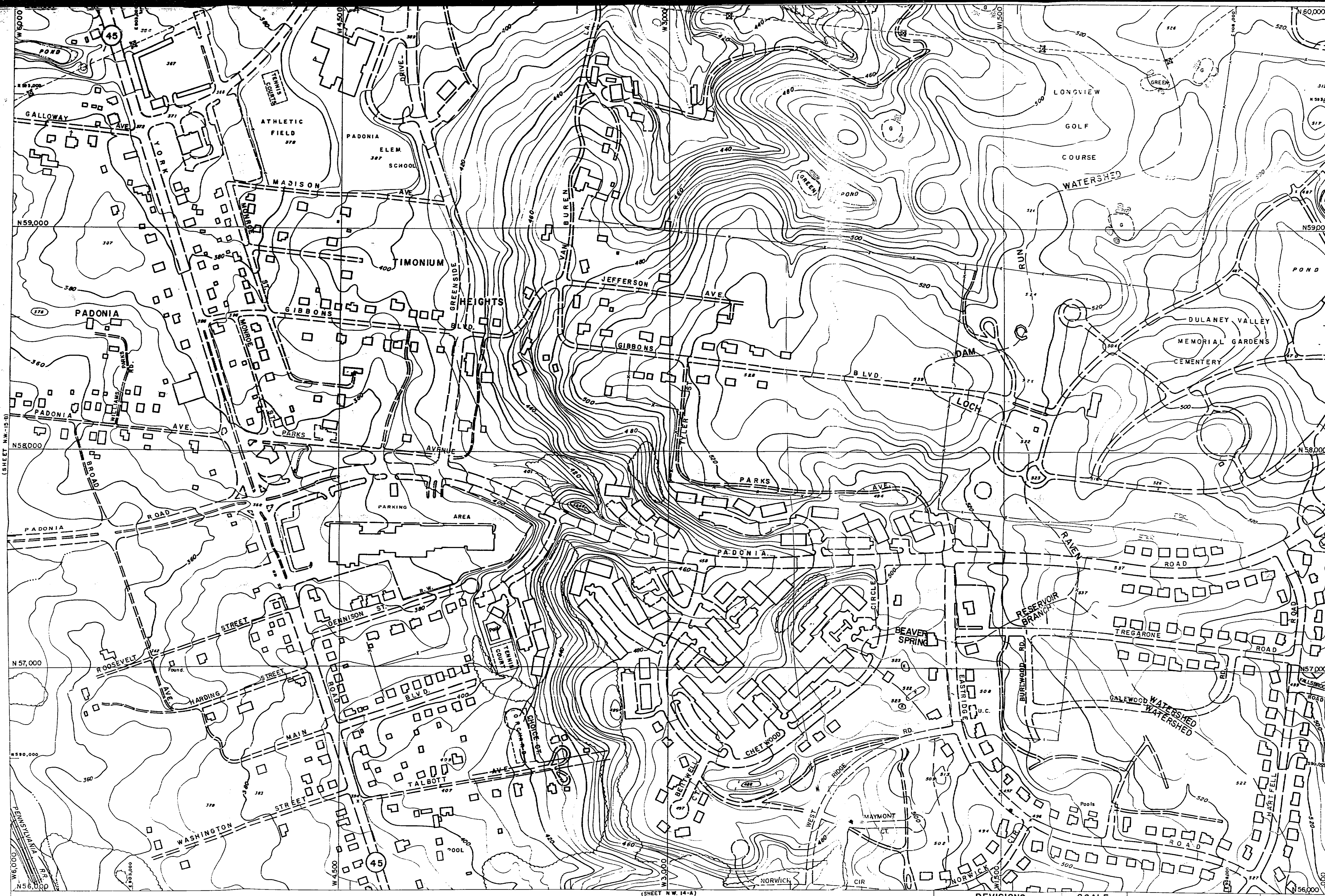
SUBDIVISION PLAN  
 PLAT TWO  
 SECTION ONE  
**COACHFORD**  
 BALTIMORE COUNTY, MD. - ELECT. DIST. # 8  
 SCALE: 1"=50' - OCTOBER 1963

COACHFORD INC. - OWNER  
 1624 YORK ROAD, LUTHERVILLE, MD.

DONALD L. BROWN  
 LAND SURVEYOR - REG. NO. 3423  
 1624 YORK ROAD, LUTHERVILLE, MD.


Plat # 1 - for i.d. only





PHOTOGRAMMETRIC MAP OF  
BALTIMORE COUNTY METROPOLITAN AREA

S-NE R-NW  
V-SE U-SW

REVISIONS			SCALE	LOCATION	SHEET
Topographic	BY MAPS, INC.	DATE 4-11-70	1" = 200'	PADONIA	N.W.
		DATE OF PHOTOGRAPHY APRIL 1953			15-A
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.					

Prot. #3

9/20/78





Photo # 2



a single family dwelling and one car garage. Testimony revealed that the Petitioners have resided on the property for the past nine years and are desirous of converting the existing garage to create a small office and additional living space for their family. In conjunction with those improvements, the Petitioners propose constructing a new garage, 24' x 28' in dimension, onto the southeast (rear) corner of the existing dwelling as shown on Petitioner's Exhibit 1. As can be seen from the site plan, the proposed garage will be located on the southeast corner of the dwelling, 14 feet from the rear property line, and be accessed from Hartfell Road. Due to the layout of the dwelling and its location on a corner lot, the relief requested is necessary in order to proceed as proposed.

As noted above, Oscar Keys and Jean Alino appeared on behalf of the Petitioners. Mr. Keys is a registered Professional Engineer who has resided in this community for the past 29 years. Mr. Keys testified that he has reviewed the plans for the proposed garage addition and in his opinion, the proposed garage is in character and keeping with the surrounding community and will not be situated any closer to Mr. Knapick's home than other homes in this community are situated to one another. That is, he believes the distance between the proposed garage and Mr. Knapick's home will be consistent with the distances between other homes in this community. He also testified that other homeowners in the Springdale and Coashford communities have constructed garage additions to their homes and that the proposed garage will not be inconsistent with others in these communities.

Also testifying on behalf of the Petitioners was Jean Alino, who resides immediately adjacent to the subject property at 133 E. Padonia Road. Ms. Alino testified that like Mr. Knapick, she will also be able to

- 2 -

view the garage from her property. She feels that the proposed addition is in character and keeping with others in the community and she has no objection. She also believes that once built, there will be sufficient distance between the garage and Mr. Knapick's home.

As noted above, Mr. James Knapick appeared and testified in opposition to the relief requested. Mr. Knapick has resided on the adjacent property known as 2428 Hartfell Road for approximately the past 9 years. He is opposed to the proposed garage as it is depicted on Petitioner's Exhibit 1. He believes that the garage addition will be located too close to his home and will impose upon his family's quiet enjoyment of their property. He believes that the driveway and access to the proposed garage off of Hartfell Road adjacent to his property will cause additional noise from cars and their occupants coming and going. He testified that he is not aware of other additions such as this in his community and believes that the proposed garage is too close to his house. He further objects to and disagrees with the measurements made by Mr. Zumbo as to the proximity of the proposed garage addition to his property line and home.

The Petitioners submitted photographs of the subject property and a field inspection was performed by this Deputy Zoning Commissioner. After reviewing all of the testimony and evidence offered by the Petitioners, as well as the two neighbors who appeared on their behalf, and taking into consideration the testimony of Mr. Knapick, I am persuaded to grant the relief requested to allow the proposed garage addition in accordance with Petitioner's Exhibit 1. The Petitioners' property is unique in that it is a corner lot and the house is situated on the property at an angle as opposed to being constructed parallel with Padonia Road. Furthermore, after construction of the garage addition, the distance between the pro-

- 3 -

posed improvements and Mr. Knapick's house will be consistent with the distances between other houses in this neighborhood. Mr. Zumbo testified that he measured with a tape measure the distance from the edge of the proposed garage addition to the edge of Mr. Knapick's house and determined a distance of 41 feet. Given the space configuration of other houses in this neighborhood, this is certainly an acceptable distance between the proposed addition and Mr. Knapick's home.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 200 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special

- 4 -

circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3<sup>rd</sup> day of October, 1996 that the Petition for Variance seeking relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 208.4, R-10 of the Zoning Commissioner's Policy Manual) to permit a rear yard setback of 14 feet in lieu of the required 30 feet, and a side street setback of 34 feet in lieu of the required 35 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comment submitted by Robert W. Bowling, Chief of the Development Plans Review Division of the Department of Permits & Development Management (DPDM) dated August 9, 1996, a copy of which has been attached hereto and made a part hereof.

- 5 -

- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for August 12, 1996  
Item No. 029

Date: August 9, 1996

The Development Plans Review Division has reviewed the subject zoning item. The center line of an existing 10-foot wide utility easement runs down the property line between house #135 E. Padonia Road and 2428 Hartfell Road. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

The variance for a 14-foot rear yard setback is acceptable to this department.

Also, prior to removal of any existing curb for driveway entrances, the owner shall obtain a permit from the Department of Permits & Development Management.

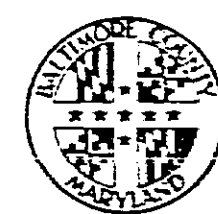
The proposed driveway entrance shall be built per the Department of Public Works' Std. Plat R-15A.

RWB:HJO:jrb

cc: File

ORDER RECEIVED FOR FILING  
Date 10/3/96  
By [Signature]

ZONE21A



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

October 3, 1996

Mr. & Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
SE/Corner Padonia Road and Hartfell Road  
(135 E. Padonia Road)  
8th Election District - 3rd Councilmanic District  
Salvatore M. Zumbo, et ux - Petitioners  
Case No. 97-28-A

Dear Mr. & Mrs. Zumbo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. James Knapick  
2428 Hartfell Road, Timonium, Md. 21093

People's Counsel

File



Petition for Administrative Variance  
to the Zoning Commissioner of Baltimore County

for the property located at 135 E. PADONIA RD  
which is presently zoned BC 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3 B (208.4, R-10) to permit a 14 ft rear yard in lieu of 30 ft and a 34 ft side street setback in lieu of 35 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. IRREGULAR SHAPE OF LOT - CORNER LOT.
2. ONLY FEASIBLE POSITION FOR GARAGE (BASED ON FLOORPLAN)
3. NO BASEMENT, NEED MORE SQUARE FOOTAGE FOR DWELLING
4. DID NOT WANT TO POSITION GARAGE NEAR STREET R/W.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I do hereby agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s)	
Name of Petitioner	<u>SALVATORE M. ZUMBO</u>
Signature	<u>[Signature]</u>
Address	<u>Catherinas Zumbos</u>
City	<u>Timonium</u>
State	<u>MD</u>
Zip	<u>21093</u>
Phone No.	<u>410-887-4386</u>
Name of Representative (to be contacted)	
Name	<u>TIMONIUM</u>
Address	<u>MD</u>
City	<u>MD</u>
State	<u>MD</u>
Zip	<u>21093</u>
Phone No.	<u>410-887-4386</u>

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 3<sup>rd</sup> day of October, 1996, that the undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, shall be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

REVIEWED BY: 796 DATE: 7/23/96  
ESTIMATED POSTING DATE: 8/4/96  
Printed with Soybean Ink on Recycled Paper  
ITEM #: 29



# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at 135 E. PADONIA RD

TIMONIUM MD 21093

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: various variance or zoning difficulty

SEE OTHER SIDE

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Catherine S. Zumbo  
Salvatore M. Zumbo

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY that on the 15th day of July, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Salvatore and Catherine Zumbo

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public  
My Commission Expires: 10-1-97

97-28-A  
Beginning on the south side of East Padonia Road, 60 feet wide, at the distance of 30 feet west of the centerline of Hartfell Road. Being Lot 21 of Section One of the Coachford subdivision, Plat Book 29, Folio 99. Also known as 135 East Padonia Road combining .24 acres in the 8th Election District.

# 29

Former Closing Date: 8/19/96  
CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.  
Post bu. 9/15/96

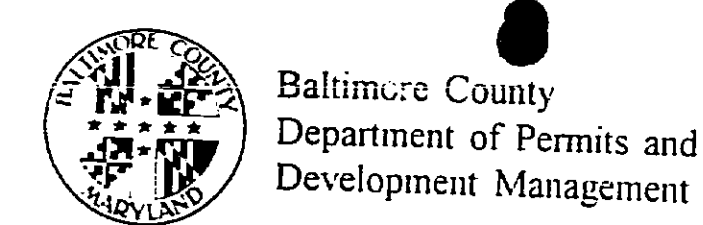
## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 28 Date of Posting: 8/2/96  
Posted for: Varia  
Petitioner: Salvatore + Catherine Zumbo  
Location of property: 135 E. Padonia Rd  
Location of Sign: Along tree line on property being zoned  
Remarks:  
Posted by: Amber Date of return: 8/16/96  
Number of Signs: 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/29, 1996  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/29, 1996.

THE JEFFERSONIAN,  
A. J. Hemlock  
LEGAL AD. - TOWSON



Baltimore County  
Department of Permits and  
Development Management

# 29  
Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 29 Petitioner: Salvatore M. Zumbo  
Location: 135 E. Padonia Road  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Salvatore M. Zumbo  
ADDRESS: 135 E. Padonia Road  
Timonium, MD 21093  
PHONE NUMBER: 560-3148

12

## CERTIFICATE OF POSTING

RE: Case No.: 97-28-A  
Petitioner/Developer: \_\_\_\_\_  
Date of Hearing/Closing: \_\_\_\_\_

Baltimore County

Department of Permits and Development Management

111 West Chesapeake Avenue  
Towson, Maryland 21204

## BOARD OF APPEALS

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 135 E. Padonia Rd

The sign(s) were posted on 12/20/96  
(Month, Day, Year)

Sincerely,

Gay M. Bennett #7380  
(Signature of Sign Poster and Date)  
(Printed Name)  
Code Inspection  
(Address)  
(City, State, Zip Code)  
(Telephone Number)

## BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 8-16-96 ACCOUNT: 801-6150  
AMOUNT: \$ 40.00  
RECEIVED FROM: J. Krupnik  
FOR: Case 97-28-A #29

## BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 10/1/96 ACCOUNT: 801-6150  
AMOUNT: \$ 210.00  
RECEIVED FROM: James Krupnik  
FOR: Appeal + sign # 97-28-A

## REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:  
Re: Case Number: 97-28-A  
Petitioner(s): S. Zumbo  
Location: 135 E. Padonia Rd

I, James J. Krupnik  
(Type in Print)  
(X) Legal Owner ( ) Resident, of  
2428 Hartfell Rd.  
Address

Timonium, MD 21093-2655 252-7251  
City/State/Zip Code Phone

which is located approximately 14 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

James J. Krupnik 8/16/96  
Signature Date



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 2, 1996

## NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before August 4, 1996. The closing date (August 19, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director

cc: Salvatore and Catherine Zumbo

TO: PETITIONER/PUBLISHER COMPANY  
September 1, 1996 Issue - Jeffersonian

Please forward billing to:

Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium MD 21093  
560-3148

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
8th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo  
Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMITZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 27, 1996

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing, on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-28-A (Item 29)  
135 E. Padonia Road  
corner S/S of E. Padonia Road and W/S Hartfell Road  
9th Election District - 3rd Councilmanic  
Legal Owner(s): Salvatore M. Zumbo and Catherine S. Zumbo

Variance to permit a 14 foot rear yard in lieu of 30 feet and a 34 foot side street setback in lieu of 35 feet.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon  
Director

cc: Salvatore and Catherine Zumbo  
James J. Knapick

NOTES: (1) ZONING SUB & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE UNRECORDED. ACCESSIBLE, FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3393.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue  
March 17, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-28-A

IN THE MATTER OF: SALVATORE M. ZUMBO, ET UX  
SE/cor Padonia Road and Hartfell Road  
(135 E. Padonia Road) 8th E; 3rd C Districts  
(Grant of Variance /rear yard setback and side  
street setback /for proposed garage addition)

ASSIGNED FOR: THURSDAY, MAY 1, 1997 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco  
Legal Administrator

cc: Appellants /Protestants: Mr. and Mrs. James Knapick

Petitioners: Mr. and Mrs. Salvatore Zumbo

People's Counsel for Baltimore County  
Pat Keller Arnold Jablon, Director /PDM  
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 12, 1996

Mr. and Mrs. Salvatore M. Zumbo  
135 E. Padonia Road  
Timonium, MD 21093

RE: Item No.: 29  
Case No.: 97-28-A  
Petitioner: Salvatore Zumbo, et ux

Dear Mr. and Mrs. Zumbo:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 23, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Rubanks in the zoning office (887-3391).

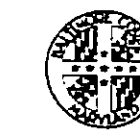
Sincerely,

W. Carl Richards, Jr.  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

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Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 08/07/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUGUST 05, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39 AND 41.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM  
FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM  
SUBJECT: Zoning Advisory Committee  
Meeting Date: Aug 5, 96

DATE: Aug 8, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #s:  
26  
27  
29  
30  
31  
32  
34  
36  
37  
40  
41  
42

RBS:sp

BRUCE2/DEPRM/TXTSFP



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech

1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management  
DATE: August 1, 1996  
FROM: Pat Keller, Director  
Office of Planning  
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 18, 26, 29, 31, 32, 34, 35, 36, 37, 39, 40, 41, and 42

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Cheryl L. Kenna

PK/JL

ITEM18/PZONE/TXTJWL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management  
Date: August 9, 1996  
FROM: Robert W. Bowling, Chief  
Development Plans Review Division  
SUBJECT: Zoning Advisory Committee Meeting  
For August 12, 1996  
Item No. 029

The Development Plans Review Division has reviewed the subject zoning item. The center line of an existing 10-foot wide utility easement runs down the property line between house #135 E. Padonia Road and 2428 Hartfell Road. Baltimore County policy prohibits the construction of a permanent structure within a designated utility easement.

The variance for a 14-foot rear yard setback is acceptable to this department.

Also, prior to removal of any existing curb for driveway entrances, the owner shall obtain a permit from the Department of Permits & Development Management.

The proposed driveway entrance shall be built per the Department of Public Works' Std. Plat R-15A.

RWB:HJO:jcb

cc: File

ZONE21A